

# **EXHIBIT MCR-1**

**Case No. 27-CR-23-1886****State of MN vs MATTHEW DAVID GUERTIN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-01-17**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-23-1886

Plaintiff,

vs.

Matthew David Guertin,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter was scheduled to come before the undersigned Referee of District Court on January 16, 2024. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Bruce Rivers, Esq.

Prior to the hearing, the parties agreed to a finding of incompetency entered administratively. Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 07/17/1981), was charged in MNCIS file 27-CR-23-1886 with Dangerous Weapons (Felony) and three counts of Firearm-Serial Number-Receive/Possess With No Serial Number (Felony) arising from an incident alleged to have occurred on January 21, 2023. On January 25, 2023, Referee Lyonel Norris found probable cause to believe that the offenses were committed and that Defendant committed them.
- On November 15, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-19-901****State of MN vs EYUAEL GONFA KEBEDE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

MCRO\_27-CR-19-901\_Finding of Incompetency and Order\_2023-02-15\_20240430091100.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-19-901;  
27-CR-20-13495

Plaintiff,

vs.

Eyuael Gonfa Kebede,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on February 14, 2023. The hearing was held remotely using the Zoom internet platform. Heidi Johnston, Minneapolis City Attorney, represented the plaintiff. Defendant was represented by Gregory Renden, Assistant Hennepin County Public Defender, who waived the Defendant's appearance.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 05/18/1994), was convicted in MNCIS file 27-CR-19-901 DWI (Gross Misdemeanor) and charged in MNCIS file 27-CR-20-13495 with two counts of DWI (Gross Misdemeanor) arising from an incident alleged to have occurred on 04/05/2020. On 05/09/2022, Judge Daly found probable cause to believe that the offenses were committed and that Defendant committed them.
- On 11/23/2022, Judge Janzen ordered that Defendant undergo an updated evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
- Dr. Kathryn Cranbrook, PsyD, ABPP, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Kathryn Cranbrook, PsyD, ABPP, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-20-7092****State of MN vs DWAYNE ANTHONY BLEDSOE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-01-23**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-7092; 27-CR-21-933

Plaintiff,

vs.

Dwayne Anthony Bledsoe,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on January 23, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Atif Khan, Assistant Hennepin County Public Defender. Defendant was not present.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 11/03/1979), was charged in MNCIS file 27-CR-20-7092 with Domestic Abuse No Contact Order – Violate No Contact Order (Gross Misdemeanor) arising from an incident alleged to have occurred on February 1, 2020; and in MNCIS file 27-CR-21-933 with Simple Robbery (Felony) arising from an incident alleged to have occurred on January 13, 2021. On February 10, 2021, Judge Paul Scoggin found probable cause to believe that the offenses were committed and that Defendant committed them.
- On September 28, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-23-1886****State of MN vs MATTHEW DAVID GUERTIN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-01-17**

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to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Jacqueline Perez, Assistant Hennepin County Attorney – Criminal Division;  
Bruce Rivers, Attorney for Defendant
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals;

**Case No. 27-CR-19-901****State of MN vs EYUAEL GONFA KEBEDE**

Filing Type: ·Finding of Incompetency and Order-

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**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charges.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Megan Griffin, Minneapolis City Attorney – Criminal Division;  
Gregory Renden, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals;

**Case No. 27-CR-20-7092****State of MN vs DWAYNE ANTHONY BLEDSOE**

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rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Travis Huddy, Assistant Hennepin County Attorney – Criminal Division;  
Megan Griffin, Minneapolis City Attorney;  
Atif Khan, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals;

**Case No. 27-CR-23-1886****State of MN vs MATTHEW DAVID GUERTIN**

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dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

**Case No. 27-CR-19-901****State of MN vs EYUAEL GONFA KEBEDE**

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physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

**Case No. 27-CR-20-7092****State of MN vs DWAYNE ANTHONY BLEDSOE**

Filing Type: ·Finding of Incompetency and Order-

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maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

**Case No. 27-CR-23-1886****State of MN vs MATTHEW DAVID GUERTIN**

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may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 16, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Bruce Rivers, Attorney for Defendant (riverslawyers@aol.com);
- c. Jacqueline Perez, Assistant Hennepin County Attorney (jacqueline.perez@hennepin.us);
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-19-901****State of MN vs EYUAEL GONFA KEBEDE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

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12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 15, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Gregory Renden, Assistant Hennepin County Public Defender;
- c. Megan Griffin, Minneapolis City Attorney – Criminal Division;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

13. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-20-7092****State of MN vs DWAYNE ANTHONY BLEDSOE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-01-23**

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may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 23, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Atif Khan, Assistant Hennepin County Public Defender;
- c. Travis Huddy, Assistant Hennepin County Attorney;
- d. Megan Griffin, Minneapolis City Attorney;
- e. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

Dayton Klein, Julia  
Jan 23 2024 3:08 PM

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Judge of District Court

**Case No. 27-CR-20-10049****State of MN vs Beyonce Porshae Brown**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-10-17**

MCRO\_27-CR-20-10049\_Finding of Incompetency and Order\_2023-10-17\_20240430085646.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-9420, 27-CR-20-939,  
27-CR-20-10049, 27-CR-22-24933, 27-CR-  
23-8017

Plaintiff,

vs.

Beyonce Porschean Brown,

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

Defendant.

This matter came before the undersigned Referee of District Court on October 17, 2023. The hearing was held remotely using the Zoom internet platform. Amanda Grossmann, Brooklyn Park City Attorney, waived her appearance. Defendant appeared out of custody and was represented by Melissa Fraser, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 08/24/2000), was charged in MNCIS file 27-CR-22-24933 with Third Degree Driving Under the Influence (Gross Misdemeanor) and Fourth Degree Driving Under the Influence of Alcohol (Misdemeanor) arising from an incident alleged to have occurred on October 30, 2022; in MNCIS file 27-CR-20-9420 with Theft (Misdemeanor) arising from an incident alleged to have occurred on April 6, 2020; in MNCIS file 27-CR-20-939 with Give Peace Officer False Name/Birthdate/ID Card (Misdemeanor) arising from an incident alleged to have occurred on January 10, 2020; in MNCIS file 27-CR-20-10049 with Trespass (Misdemeanor), Theft (Misdemeanor), and Obstruct Legal Process (Misdemeanor) arising from an incident alleged to have occurred on April 22, 2020; in MNCIS file 27-CR-23-8017 with Theft (Misdemeanor) arising from an incident alleged to have occurred on April 7, 2023.
- On July 5, 2023, Judge Francis Magill ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.

**Case No. 27-CR-20-11638****State of MN vs JOHN EMIL STICHA**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-20-11638\_Finding of Incompetency and Order\_2023-05-24\_20240430085821.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-11638

Plaintiff,

vs.

John Emil Sticha,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on May 23, 2023. The hearing was held remotely using the Zoom internet platform. Wynn Curtiss, Hopkins City Attorney, waived his appearance. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 08/19/1961), was charged in MNCIS file 27-CR-20-11638 with Third Degree Driving While Impaired (Gross Misdemeanor), Driving While Under the Influence of a Controlled Substance (Gross Misdemeanor), and Careless Driving (Misdemeanor) arising from an incident alleged to have occurred on March 1, 2020.
- On January 23, 2023, Judge Moore ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01. However, pursuant to agreement of the parties, the Court adopts the written report filed in MNCIS file 66-CR-21-2313.
- In MNCIS file 66-CR-21-2313, Dr. Diandra E. Sigurdsson, Psy.D., LP, Forensic Examiner, Direct Care and Treatment – Forensic Services, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Diandra E. Sigurdsson, Psy.D., LP, Forensic Examiner, Direct Care and Treatment – Forensic Services, opined that Defendant, due to mental illness or cognitive impairment, lacks

**Case No. 27-CR-20-11638****State of MN vs JOHN EMIL STICHA**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-28**

MCRO\_27-CR-20-11638\_Finding of Incompetency and Order\_2023-11-28\_20240430085818.pdf

File Hash: 90f54b0f965748c75968bfa548ca8a108cd3468197334eecc0e37992d692a6f5

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-11638

Plaintiff,

vs.

John Emil Sticha,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on November 28, 2023. The hearing was held remotely using the Zoom internet platform. Curtiss Wynn, Hopkins City Attorney, did not appear. Defendant was not present and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 08/19/1961), was charged in MNCIS file 27-CR-20-11638 with Third Degree Driving While Impaired (Gross Misdemeanor) and Driving While Under the Influence of a Controlled Substance (Gross Misdemeanor) arising from an incident alleged to have occurred on March 1, 2020.
- On September 12, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01. However, pursuant to agreement of the parties, the Court adopts the finding of incompetence in MNCIS file 66-CR-21-2313 (which relied on a report filed in 66-CR-23-748) in MNCIS file 27-CR-20-11638.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charges.

**Case No. 27-CR-20-10049****State of MN vs Beyonce Porshae Brown**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-10-17**

MCRO\_27-CR-20-10049\_Finding of Incompetency and Order\_2023-10-17\_20240430085646.pdf

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3. Dr. John R. Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. John R. Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has filed a Notice of Intent to Prosecute the gross misdemeanor charge. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Amanda Grossmann, Brooklyn Park City Attorney – Criminal Division;  
Gretchen Hoffman, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

**Case No. 27-CR-20-11638****State of MN vs JOHN EMIL STICHA**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-20-11638\_Finding of Incompetency and Order\_2023-05-24\_20240430085821.pdf

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Page: 2 of 4

the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charges. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Wynn Charles Curtiss, Hopkins City Attorney – Criminal Division;

Julia Inz, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

**Case No. 27-CR-20-11638****State of MN vs JOHN EMIL STICHA**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-28**

MCRO\_27-CR-20-11638\_Finding of Incompetency and Order\_2023-11-28\_20240430085818.pdf

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Page: 2 of 4

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Wynn Curtiss, Hopkins City Attorney – Criminal Division;

Julia Inz, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

**Case No. 27-CR-20-10049****State of MN vs Beyonce Porshae Brown**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-10-17**

MCRO\_27-CR-20-10049\_Finding of Incompetency and Order\_2023-10-17\_20240430085646.pdf

File Hash: ab8da6679a5a6de5a63d44c118b2b90b95eb6d740483c7453ac0dec63ca977fa

Page: 3 of 4

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received

**Case No. 27-CR-20-11638****State of MN vs JOHN EMIL STICHA**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-20-11638\_Finding of Incompetency and Order\_2023-05-24\_20240430085821.pdf

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**Case No. 27-CR-20-11638****State of MN vs JOHN EMIL STICHA**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-28**

MCRO\_27-CR-20-11638\_Finding of Incompetency and Order\_2023-11-28\_20240430085818.pdf

File Hash: 90f54b0f965748c75968bfa548ca8a108cd3468197334eecc0e37992d692a6f5

Page: 3 of 4

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received
12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is May 28, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;

**Case No. 27-CR-20-10049****State of MN vs Beyonce Porshae Brown**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-10-17**

MCRO\_27-CR-20-10049\_Finding of Incompetency and Order\_2023-10-17\_20240430085646.pdf

File Hash: ab8da6679a5a6de5a63d44c118b2b90b95eb6d740483c7453ac0dec63ca977fa

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information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 16, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Gretchen Hoffman, Assistant Hennepin County Public Defender;
- c. Amanda Grossmann, Brooklyn Park City Attorney – Criminal Division;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

13. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

Browne, GeorgeOct 18 2023 6:27 AM

Referee of District Court

**BY THE COURT:**Anderson, JamieOct 18 2023 9:05 AM

Judge of District Court

**Case No. 27-CR-20-11638****State of MN vs JOHN EMIL STICHA**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-20-11638\_Finding of Incompetency and Order\_2023-05-24\_20240430085821.pdf

File Hash: 29da560fe5e4e72686584583059e6ba2f30f21cff818d157a35fabb4bfae8434

Page: 4 of 4

in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 21, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Julia Inz, Assistant Hennepin County Public Defender;
- c. Wynn Charles Curtiss, Hopkins City Attorney – Criminal Division;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

13. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

Order Recommended By:

Mercurio, DanielleNov 28 2023 3:13 PM

Referee of District Court

**BY THE COURT:**Browne, MichaelNov 28 2023 4:19 PM

Judge of District Court

**Case No. 27-CR-20-13495****State of MN vs EYUAEL GONFA KEBEDE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-02-15

MCRO\_27-CR-20-13495\_Finding of Incompetency and Order\_2023-02-15\_20240430085918.pdf

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Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-19-901;  
27-CR-20-13495

Plaintiff,

vs.

Eyuael Gonfa Kebede,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on February 14, 2023. The hearing was held remotely using the Zoom internet platform. Heidi Johnston, Minneapolis City Attorney, represented the plaintiff. Defendant was represented by Gregory Renden, Assistant Hennepin County Public Defender, who waived the Defendant's appearance.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 05/18/1994), was convicted in MNCIS file 27-CR-19-901 DWI (Gross Misdemeanor) and charged in MNCIS file 27-CR-20-13495 with two counts of DWI (Gross Misdemeanor) arising from an incident alleged to have occurred on 04/05/2020. On 05/09/2022, Judge Daly found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On 11/23/2022, Judge Janzen ordered that Defendant undergo an updated evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Katheryn Cranbrook, PsyD, ABPP, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Katheryn Cranbrook, PsyD, ABPP, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-20-20788****State of MN vs Lawrence Joseph Durheim**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-04-26

MCRO\_27-CR-20-20788\_Finding of Incompetency and Order\_2023-04-26\_20240430090226.pdf

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Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-20788

Plaintiff,

vs.

Lawrence Joseph Durheim,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on April 25, 2023. Jacob Fischmann, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Jesse Dong, Assistant Hennepin County Public Defender. Pursuant to agreement by the parties, the Court handled this matter administratively without appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 08/21/1970), was charged in MNCIS file 27-CR-20-20788 with Domestic Assault – By Strangulation (Felony) arising from an incident alleged to have occurred on September 12, 2020. On September 8, 2021, Judge Lamas found probable cause to believe that the offense was committed, and that Defendant committed it.
2. On February 21, 2023, Judge Browne ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-20-20788****State of MN vs Lawrence Joseph Durheim**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2024-02-12

MCRO\_27-CR-20-20788\_Finding of Incompetency and Order\_2024-02-12\_20240430090219.pdf

File Hash: 36ac6e02d22e5424303e995b5ea702e806483986160b1f6e1692f4b2888cb72a

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-20788

Plaintiff,

vs.

Lawrence Joseph Durheim,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came administratively before the undersigned Judge of District Court on February 8, 2024, per agreement by the parties. Jacob Fischmann, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Andrew Reiland, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 08/21/1970), was charged in MNCIS file 27-CR-20-20788 with Domestic Assault – By Strangulation (Felony) arising from an incident alleged to have occurred on September 12, 2020. On September 8, 2021, Judge Lamas found probable cause to believe that the offense was committed and that Defendant committed it.
2. On January 19, 2024, Judge Shereen Askalani ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Catherine A. Carlson, Psy.D. LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Catherine A. Carlson, Psy.D. LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-20-13495****State of MN vs EYUAEL GONFA KEBEDE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-02-15

MCRO\_27-CR-20-13495\_Finding of Incompetency and Order\_2023-02-15\_20240430085918.pdf

File Hash: 5eeaa4351ba3efe5f4c3f112225aa21e1b85028af82b07bcd6491e9b174f2ce70

Page: 2 of 4

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charges.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
  
Megan Griffin, Minneapolis City Attorney – Criminal Division;  
Gregory Renden, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or

**Case No. 27-CR-20-20788****State of MN vs Lawrence Joseph Durheim**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-04-26

MCRO\_27-CR-20-20788\_Finding of Incompetency and Order\_2023-04-26\_20240430090226.pdf

File Hash: 8676e010feb1b9b4cb0073735b6b292e78217cd4fee00325f02e1b7f93093ca1

Page: 2 of 4

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
  
Jacob Fischmann, Assistant Hennepin County Attorney – Criminal Division;  
Jesse Dong, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or

**Case No. 27-CR-20-20788****State of MN vs Lawrence Joseph Durheim**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2024-02-12

MCRO\_27-CR-20-20788\_Finding of Incompetency and Order\_2024-02-12\_20240430090219.pdf

File Hash: 36ac6e02d22e5424303e995b5ea702e806483986160b1f6e1692f4b2888cb72a

Page: 2 of 4

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
  
Jacob Fischmann, Assistant Hennepin County Attorney – Criminal Division;  
Andrew Reiland, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or

**Case No. 27-CR-20-13495****State of MN vs EYUAEL GONFA KEBEDE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

MCRO\_27-CR-20-13495\_Finding of Incompetency and Order\_2023-02-15\_20240430085918.pdf

File Hash: 5eea4351ba3efe5f4c3f112225aa21e1b85028af82b07bcd6491e9b174f2ce70

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physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

3

**Case No. 27-CR-20-20788****State of MN vs Lawrence Joseph Durheim**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-26**

MCRO\_27-CR-20-20788\_Finding of Incompetency and Order\_2023-04-26\_20240430090226.pdf

File Hash: 8676e010feb1b9b4cb0073735b6b292e78217cd4fee00325f02e1b7f93093ca1

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programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

3

11

**Case No. 27-CR-20-20788****State of MN vs Lawrence Joseph Durheim**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-12**

MCRO\_27-CR-20-20788\_Finding of Incompetency and Order\_2024-02-12\_20240430090219.pdf

File Hash: 36ac6e02d22e5424303e995b5ea702e806483986160b1f6e1692f4b2888cb72a

Page: 3 of 4

programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

3

**Case No. 27-CR-20-13495****State of MN vs EYUAEL GONFA KEBEDE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

MCRO\_27-CR-20-13495\_Finding of Incompetency and Order\_2023-02-15\_20240430085918.pdf

File Hash: 5eea4351ba3efe5f4c3f112225aa21e1b85028af82b07bcd6491e9b174f2ce70

Page: 4 of 4

12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 15, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Gregory Renden, Assistant Hennepin County Public Defender;
- c. Megan Griffin, Minneapolis City Attorney – Criminal Division;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

13. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-20-20788****State of MN vs Lawrence Joseph Durheim**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-26**

MCRO\_27-CR-20-20788\_Finding of Incompetency and Order\_2023-04-26\_20240430090226.pdf

File Hash: 8676e010feb1b9b4cb0073735b6b292e78217cd4fee00325f02e1b7f93093ca1

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13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 24, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Jesse Dong, Assistant Hennepin County Public Defender;
- c. Jacob Fischmann, Assistant Hennepin County Attorney;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-20-20788****State of MN vs Lawrence Joseph Durheim**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-12**

MCRO\_27-CR-20-20788\_Finding of Incompetency and Order\_2024-02-12\_20240430090219.pdf

File Hash: 36ac6e02d22e5424303e995b5ea702e806483986160b1f6e1692f4b2888cb72a

Page: 4 of 4

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 20, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Andrew Reiland, Assistant Hennepin County Public Defender (Andrew.reiland@hennepin.us);
- c. Jacob Fischmann, Assistant Hennepin County Attorney (Jacob.fischmann@hennepin.us);
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court

**Case No. 27-CR-21-933****State of MN vs DWAYNE ANTHONY BLEDSOE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-01-23**

MCRO\_27-CR-21-933\_Finding of Incompetency and Order\_2024-01-23\_20240430075226.pdf

File Hash: c4ba239f35fd912a67f6f0d38046a9b3c2c20912b1c40df96e2febdd0476197e

Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Dwayne Anthony Bledsoe,

Defendant.

Court File No. 27-CR-20-7092; 27-CR-21-933

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on January 23, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Atif Khan, Assistant Hennepin County Public Defender. Defendant was not present.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 11/03/1979), was charged in MNCIS file 27-CR-20-7092 with Domestic Abuse No Contact Order – Violate No Contact Order (Gross Misdemeanor) arising from an incident alleged to have occurred on February 1, 2020; and in MNCIS file 27-CR-21-933 with Simple Robbery (Felony) arising from an incident alleged to have occurred on January 13, 2021. On February 10, 2021, Judge Paul Scoggin found probable cause to believe that the offenses were committed and that Defendant committed them.
- On September 28, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to

**Case No. 27-CR-21-6229****State of MN vs MARVAL BARNES**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-10-03**

MCRO\_27-CR-21-6229\_Finding of Incompetency and Order\_2023-10-03\_20240430080218.pdf

File Hash: 5a79544fd4cd6df4cef3c7017260e8788030dc41a11386866af19f87fae7e80

Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Marval Barnes,

Defendant.

Court File No. 27-CR-21-8613; 27-CR-21-8856; 27-CR-21-11460; 27-CR-21-11758

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on October 3, 2023, without appearances pursuant to an agreement by the parties. Britta Nicholson and Erin Stephens, Assistant Hennepin County Attorneys, represented the plaintiff. Defendant was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 12/17/1979), was charged in MNCIS file 27-CR-21-8613 with Damage to Property – 1<sup>st</sup> Degree (Felony) arising from an incident alleged to have occurred on April 29, 2021; in MNCIS file 27-CR-21-8856 with two counts of Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on May 6, 2021; in MNCIS file 27-CR-21-11460 with Damage to Property – 1<sup>st</sup> Degree (Felony) arising from an incident alleged to have occurred on April 27, 2021; and in MNCIS file 27-CR-21-11758 with Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on May 14, 2021. On July 15, 2021, Judge Hilary Caliguri found probable cause to believe that the offenses were committed and that Defendant committed them.
- On July 21, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Elizabeth Barbo, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-21-6710****State of MN vs TEMEKA MICHELLE NICHOLS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-26**

MCRO\_27-CR-21-6710\_Finding of Incompetency and Order\_2023-04-26\_20240430080352.pdf

File Hash: b1212c98cd295f424ba19005214104e2c275872a182a7784772e190b98528b4a

Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Temeka Michelle Nichols,

Defendant.

Court File No. 27-CR-21-6710; 27-CR-22-19425; 27-CR-23-2795

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on April 25, 2023. Elizabeth A. Scoggin, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistant Minneapolis City Attorney, represented the plaintiff. Defendant was represented by J.C. Horvath, Assistant Hennepin County Public Defender, and Ashley Fischer, Assistant Hennepin County Public Defender. Pursuant to agreement by the parties, the Court handled this matter administratively without appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 03/25/1991), was charged in MNCIS file 27-CR-23-2795 with 4<sup>th</sup> Degree Assault (Felony) arising from an incident alleged to have occurred on February 3, 2023; MNCIS file 27-CR-21-6710 with 4<sup>th</sup> Degree Assault (Gross Misdemeanor) arising from an incident alleged to have occurred on April 2, 2021; and MNCIS file 27-CR-22-19425 with Trespass (Misdemeanor) and Disorderly Conduct (Misdemeanor) arising from an incident alleged to have occurred on September 29, 2022.
- On March 22, 2023, Judge Garcia ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in the felony matter pursuant to Minn. R. Crim. P. 20.01.
- Dr. Adam Milz, Ph.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-21-933****State of MN vs DWAYNE ANTHONY BLEDSOE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-01-23**

MCRO\_27-CR-21-933\_Finding of Incompetency and Order\_2024-01-23\_20240430075226.pdf

File Hash: c4ba239f35fd912a67f6f0d38046a9b3c2c20912b1c40df96e2febdd0476197e

Page: 2 of 4

rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Travis Huddy, Assistant Hennepin County Attorney – Criminal Division;  
Megan Griffin, Minneapolis City Attorney;  
Atif Khan, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

**Case No. 27-CR-21-6229****State of MN vs MARVAL BARNES**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-10-03**

MCRO\_27-CR-21-6229\_Finding of Incompetency and Order\_2023-10-03\_20240430080218.pdf

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4. Dr. Elizabeth Barbo, Ph.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Erin Stephens and Britta Nicholson, Assistant Hennepin County Attorneys;  
Susan Herlofsky, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

**Case No. 27-CR-21-6710****State of MN vs TEMEKA MICHELLE NICHOLS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-26**

MCRO\_27-CR-21-6710\_Finding of Incompetency and Order\_2023-04-26\_20240430080352.pdf

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Page: 2 of 4

4. Dr. Adam Milz, Ph.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Elizabeth Scoggin, Assistant Hennepin County Attorney – Criminal Division;  
Flavio Abreu, Minneapolis City Attorney – Criminal Division;  
James Horvath, Assistant Hennepin County Public Defender;  
Ashley Fischer, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

**Case No. 27-CR-21-933****State of MN vs DWAYNE ANTHONY BLEDSOE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-01-23**

MCRO\_27-CR-21-933\_Finding of Incompetency and Order\_2024-01-23\_20240430075226.pdf

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maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

**Case No. 27-CR-21-6229****State of MN vs MARVAL BARNES**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-10-03**

MCRO\_27-CR-21-6229\_Finding of Incompetency and Order\_2023-10-03\_20240430080218.pdf

File Hash: 5a79544fd4cd6df4fce3c7017260e8788030dc41a11386866af19f87fae7e80

Page: 3 of 4

treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

**Case No. 27-CR-21-6710****State of MN vs TEMEKA MICHELLE NICHOLS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-26**

MCRO\_27-CR-21-6710\_Finding of Incompetency and Order\_2023-04-26\_20240430080352.pdf

File Hash: b1212c98cd295f424ba19005214104e2c275872a182a7784772e190b98528b4a

Page: 3 of 4

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.

9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

**Case No. 27-CR-21-933****State of MN vs DWAYNE ANTHONY BLEDSOE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-01-23**

MCRO\_27-CR-21-933\_Finding of Incompetency and Order\_2024-01-23\_20240430075226.pdf

File Hash: c4ba239f35fd912a67f6f0d38046a9b3c2c20912b1c40df96e2febdd0476197e

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may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 23, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Atif Khan, Assistant Hennepin County Public Defender;
- c. Travis Huddy, Assistant Hennepin County Attorney;
- d. Megan Griffin, Minneapolis City Attorney;
- e. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**


Dayton Klein, Julia  
Jan 23 2024 3:08 PM  
Judge of District Court

**Case No. 27-CR-21-6229****State of MN vs MARVAL BARNES**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-10-03**

MCRO\_27-CR-21-6229\_Finding of Incompetency and Order\_2023-10-03\_20240430080218.pdf

File Hash: 5a79544fd4cd6df4fce3c7017260e8788030dc41a11386866af19f87fae7e80

Page: 4 of 4

in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 1, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Susan Herlofsky, Assistant Hennepin County Public Defender;
- c. Britta Nicholson, Assistant Hennepin County Attorney;
- d. Erin Stephens, Assistant Hennepin County Attorney;
- e. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**


Dayton Klein, Julia  
Oct 3 2023 4:15 PM  
Judge of District Court

**Case No. 27-CR-21-6710****State of MN vs TEMEKA MICHELLE NICHOLS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-26**

MCRO\_27-CR-21-6710\_Finding of Incompetency and Order\_2023-04-26\_20240430080352.pdf

File Hash: b1212c98cd295f424ba19005214104e2c275872a182a7784772e190b98528b4a

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employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 24, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Elizabeth Scoggin, Assistant Hennepin County Attorney – Criminal Division;
- c. Flavio Abreu, Minneapolis City Attorney – Criminal Division;
- d. James Horvath, Assistant Hennepin County Public Defender;
- e. Ashley Fischer, Assistant Hennepin County Public Defender
- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

Referee of District Court

Judge of District Court

**Case No. 27-CR-21-19723****State of MN vs BRITTANY LATESHA CRUTCHFIELD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-07-12**

MCRO\_27-CR-21-19723\_Finding of Incompetency and Order\_2023-07-12\_20240430082933.pdf

File Hash: 7dd967540e7bcfb19623a165e120680c40aaa9d6044d6f430eb698ea70ef32b5

Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**State of Minnesota,  
Plaintiff,vs.  
Brittany Latesha Crutchfield,

Defendant.

Court File No. 27-CR-21-19723;  
27-CR-21-23456; 27-CR-22-15550;  
27-CR-23-6045; 27-CR-23-8012**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on July 11, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 03/06/1988), was charged in MNCIS file 27-CR-21-19723 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on October 21, 2021; in MNCIS file 27-CR-21-23456 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 19, 2021; in MNCIS file 27-CR-22-15550 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on August 5, 2022; in MNCIS file 27-CR-23-6045 with Trespassing (Misdemeanor) arising from an incident alleged to have occurred on March 21, 2023; and in MNCIS file 27-CR-23-8012 with Theft (Misdemeanor) arising from an incident alleged to have occurred on April 16, 2023.
- On June 8, 2023, Judge David Piper ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Kathryn Jameson, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-21-23456****State of MN vs BRITTANY LATESHA CRUTCHFIELD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-07-12**

MCRO\_27-CR-21-23456\_Finding of Incompetency and Order\_2023-07-12\_20240430084309.pdf

File Hash: 3c1ea746c74a4a606ce777dae12ec544538449b92e05ff94012361ef4ea49aa5

Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Brittany Latesha Crutchfield,

Defendant.

Court File No. 27-CR-21-19723;  
27-CR-21-23456; 27-CR-22-15550;  
27-CR-23-6045; 27-CR-23-8012**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on July 11, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 03/06/1988), was charged in MNCIS file 27-CR-21-19723 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on October 21, 2021; in MNCIS file 27-CR-21-23456 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 19, 2021; in MNCIS file 27-CR-22-15550 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on August 5, 2022; in MNCIS file 27-CR-23-6045 with Trespassing (Misdemeanor) arising from an incident alleged to have occurred on March 21, 2023; and in MNCIS file 27-CR-23-8012 with Theft (Misdemeanor) arising from an incident alleged to have occurred on April 16, 2023.
- On June 8, 2023, Judge David Piper ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Kathryn Jameson, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-22-3377****State of MN vs CHASE RADLEY GREEN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-14**

MCRO\_27-CR-22-3377\_Finding of Incompetency and Order\_2023-06-14\_20240429031120.pdf

File Hash: 22726174465f854a7a0743e0e1dd11a94e042f02dff472c4366ac14432680507

Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Chase Radley Green,

Defendant.

Court File No. 27-CR-22-3377, 27-CR-22-22687, 27-CR-23-4971

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on June 13, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared out of custody and was represented by Eve Byron, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 04/15/1984), was charged in MNCIS file 27-CR-22-3377 with Theft (Felony) arising from an incident alleged to have occurred on February 19, 2022; in MNCIS file 27-CR-22-22687 with Theft (Misdemeanor) arising from an incident alleged to have occurred on November 14, 2022; and in MNCIS file 27-CR-23-4971 with 5<sup>th</sup> Degree Drugs (Felony) arising from an incident alleged to have occurred on February 25, 2023.
- On April 21, 2023, Judge Amber Brennan ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Kristine Kienlen, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Kristine Kienlen, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-21-19723****State of MN vs BRITTANY LATESHA CRUTCHFIELD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-07-12**

MCRO\_27-CR-21-19723\_Finding of Incompetency and Order\_2023-07-12\_20240430082933.pdf

File Hash: 7dd967540e7bcfb19623a165e120680c40aaa9d6044d6f430eb698ea70ef32b5

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4. Dr. Kathryn Jameson, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Megan Gjere, Assistant Hennepin County Attorney – Criminal Division;  
Alicia Granse, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the

**Case No. 27-CR-21-23456****State of MN vs BRITTANY LATESHA CRUTCHFIELD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-07-12**

MCRO\_27-CR-21-23456\_Finding of Incompetency and Order\_2023-07-12\_20240430084309.pdf

File Hash: 3c1ea746c74a4a606ce777dae12ec544538449b92e05ff94012361ef4ea49aa5

Page: 2 of 4

4. Dr. Kathryn Jameson, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Megan Gjere, Assistant Hennepin County Attorney – Criminal Division;  
Alicia Granse, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the

**Case No. 27-CR-22-3377****State of MN vs CHASE RADLEY GREEN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-14**

MCRO\_27-CR-22-3377\_Finding of Incompetency and Order\_2023-06-14\_20240429031120.pdf

File Hash: 22726174465f854a7a0743e0e1dd11a94e042f02dff472c4366ac14432680507

Page: 2 of 4

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Nicholas Nathaniel Summers, Assistant Hennepin County Attorney – Criminal Division;  
Chase Myhran, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals;

**Case No. 27-CR-21-19723****State of MN vs BRITTANY LATESHA CRUTCHFIELD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-07-12**

MCRO\_27-CR-21-19723\_Finding of Incompetency and Order\_2023-07-12\_20240430082933.pdf

File Hash: 7dd967540e7bcfb19623a165e120680c40aaa9d6044d6f430eb698ea70ef32b5

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records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider

**Case No. 27-CR-21-23456****State of MN vs BRITTANY LATESHA CRUTCHFIELD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-07-12**

MCRO\_27-CR-21-23456\_Finding of Incompetency and Order\_2023-07-12\_20240430084309.pdf

File Hash: 3c1ea746c74a4a606ce777dae12ec544538449b92e05ff94012361ef4ea49aa5

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records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

**Case No. 27-CR-22-3377****State of MN vs CHASE RADLEY GREEN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-14**

MCRO\_27-CR-22-3377\_Finding of Incompetency and Order\_2023-06-14\_20240429031120.pdf

File Hash: 22726174465f854a7a0743e0e1dd11a94e042f02dff472c4366ac14432680507

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physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

**Case No. 27-CR-21-19723****State of MN vs BRITTANY LATESHA CRUTCHFIELD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-07-12

MCRO\_27-CR-21-19723\_Finding of Incompetency and Order\_2023-07-12\_20240430082933.pdf

File Hash: 7dd967540e7bcfb19623a165e120680c40aaa9d6044d6f430eb698ea70ef32b5

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to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is January 9, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Alicia Granse, Assistant Hennepin County Public Defender;
  - c. Megan Gjere, Assistant Hennepin County Attorney;
  - d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
  - e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

Referee of District Court

Judge of District Court

**Case No. 27-CR-21-23456****State of MN vs BRITTANY LATESHA CRUTCHFIELD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-07-12

MCRO\_27-CR-21-23456\_Finding of Incompetency and Order\_2023-07-12\_20240430084309.pdf

File Hash: 3c1ea746c74a4a606ce777dae12ec544538449b92e05ff94012361ef4ea49aa5

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to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is January 9, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Alicia Granse, Assistant Hennepin County Public Defender;
  - c. Megan Gjere, Assistant Hennepin County Attorney;
  - d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
  - e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

Referee of District Court

Judge of District Court

**Case No. 27-CR-22-3377****State of MN vs CHASE RADLEY GREEN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-06-14

MCRO\_27-CR-22-3377\_Finding of Incompetency and Order\_2023-06-14\_20240429031120.pdf

File Hash: 22726174465f854a7a0743e0e1dd11a94e042f02dff472c4366ac14432680507

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12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is December 12, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Chase Myhran, Assistant Hennepin County Public Defender;
- c. Nicholas Nathaniel Summers, Assistant Hennepin County Attorney;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

Judge of District Court

**Case No. 27-CR-22-10646****State of MN vs LAMAR GLASS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-28**

MCRO\_27-CR-22-10646\_Finding of Incompetency and Order\_2023-11-28\_20240429152949.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Lamar Glass,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

Court File No. 27-CR-22-10646

This matter was scheduled to come before the undersigned Referee of the District Court on November 28, 2023. Travis Huddy, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Allison Chadwick, Assistant Hennepin County Public Defender. Prior to the hearing, the parties agreed to the finding of incompetency and requested the finding be entered administratively without a hearing.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 12/15/1975), was charged in MNCIS file 27-CR-22-10646 with Assault-2<sup>nd</sup> Degree-Dangerous Weapon-Substantial Bodily Harm (Felony) arising from an incident alleged to have occurred on 06/01/2022. On May 31, 2023, Judge Browne found probable cause to believe that the offense was committed and that Defendant committed it.
- On May 31, 2023, Judge Browne ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Kristine Kienlen, Psy.D., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Kristine Kienlen, Psy.D., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-22-13941****State of MN vs TIA TIAUNNA PAYNE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-10**

MCRO\_27-CR-22-13941\_Finding of Incompetency and Order\_2023-05-10\_20240429161312.pdf

File Hash: f7166d24de3b25ecf2879177abe792ea12d926a94d24e46143fa58fb2ba8eab1

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Tia Tiaunna Payne,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

Court File No. 27-CR-22-13941

This matter came before the undersigned Judge of District Court on May 9, 2023. The hearing was held remotely using the Zoom internet platform. Thomas Arneson, Assistant Hennepin County Attorney, appeared for the State. Defendant appeared out of custody and was represented by Attorney Mark Seeger.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 12/19/1980), was charged in MNCIS file 27-CR-22-13941 with Assault – 4<sup>th</sup> Degree – Peace Officer – Throws/transfers bodily fluids or feces at or onto officer (Felony); Assault-5<sup>th</sup> Degree-Fear of Bodily Harm or Death (Misdemeanor) arising from an incident alleged to have occurred on 07/16/2022. On January 20, 2023, Judge Meyer found probable cause to believe that the offenses were committed, and that Defendant committed them.
- On January 20, 2023, Judge Meyer ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
- Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-22-15550****State of MN vs BRITTANY LATESHA CRUTCHFIELD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-07-12**

MCRO\_27-CR-22-15550\_Finding of Incompetency and Order\_2023-07-12\_20240429161911.pdf

File Hash: 54c0a948f713bc1d34c6cffa63b50593bdd0e9a2a62620bf20342aab2bebfe7

Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Brittany Latesha Crutchfield,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**Court File No. 27-CR-21-19723;  
27-CR-21-23456; 27-CR-22-15550;  
27-CR-23-6045; 27-CR-23-8012

This matter came before the undersigned Referee of District Court on July 11, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 03/06/1988), was charged in MNCIS file 27-CR-21-19723 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on October 21, 2021; in MNCIS file 27-CR-21-23456 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 19, 2021; in MNCIS file 27-CR-22-15550 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on August 5, 2022; in MNCIS file 27-CR-23-6045 with Trespassing (Misdemeanor) arising from an incident alleged to have occurred on March 21, 2023; and in MNCIS file 27-CR-23-8012 with Theft (Misdemeanor) arising from an incident alleged to have occurred on April 16, 2023.
- On June 8, 2023, Judge David Piper ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Kathryn Jameson, Psy.D., ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-22-10646****State of MN vs LAMAR GLASS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-28**

MCRO\_27-CR-22-10646\_Finding of Incompetency and Order\_2023-11-28\_20240429152949.pdf

File Hash: a352b1bbc63977db1d484739ad61340160a717d7552bb110db00d2aaf4828b61

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**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
  
Travis Huddy, Assistant Hennepin County Attorney – Criminal Division;  
Allison Chadwick, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation

**Case No. 27-CR-22-13941****State of MN vs TIA TIAUNNA PAYNE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-10**

MCRO\_27-CR-22-13941\_Finding of Incompetency and Order\_2023-05-10\_20240429161312.pdf

File Hash: f7166d24de3b25ecf2879177abe792ea12d926a94d24e46143fa58fb2ba8eab1

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4. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charges.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
  
Kaitlin Anderson, Assistant Hennepin County Attorney – Criminal Division;  
Mark Seeger, Attorney at Law
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

**Case No. 27-CR-22-15550****State of MN vs BRITTANY LATESHA CRUTCHFIELD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-07-12**

MCRO\_27-CR-22-15550\_Finding of Incompetency and Order\_2023-07-12\_20240429161911.pdf

File Hash: 54c0a948f713bc1d34c6cfaff63b50593bdd0e9a2a62620bf20342aab2bebfe7

Page: 2 of 4

4. Dr. Kathryn Jameson, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
  
Megan Gjere, Assistant Hennepin County Attorney – Criminal Division;  
Alicia Granse, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the

**Case No. 27-CR-22-10646****State of MN vs LAMAR GLASS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-28**

MCRO\_27-CR-22-10646\_Finding of Incompetency and Order\_2023-11-28\_20240429152949.pdf

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agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

**Case No. 27-CR-22-13941****State of MN vs TIA TIAUNNA PAYNE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-10**

MCRO\_27-CR-22-13941\_Finding of Incompetency and Order\_2023-05-10\_20240429161312.pdf

File Hash: f7166d24de3b25ecf2879177abe792ea12d926a94d24e46143fa58fb2ba8eab1

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7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

**Case No. 27-CR-22-15550****State of MN vs BRITTANY LATESHA CRUTCHFIELD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-07-12**

MCRO\_27-CR-22-15550\_Finding of Incompetency and Order\_2023-07-12\_20240429161911.pdf

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records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider

**Case No. 27-CR-22-10646****State of MN vs LAMAR GLASS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-28**

MCRO\_27-CR-22-10646\_Finding of Incompetency and Order\_2023-11-28\_20240429152949.pdf

File Hash: a352b1bbc63977db1d484739ad61340160a717d7552bb110db00d2aaf4828b61

Page: 4 of 4

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is May 28, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Allison Chadwick, Assistant Hennepin County Public Defender;
- c. Travis Huddy, Assistant Hennepin County Attorney;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-22-13941****State of MN vs TIA TIAUNNA PAYNE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-10**

MCRO\_27-CR-22-13941\_Finding of Incompetency and Order\_2023-05-10\_20240429161312.pdf

File Hash: f7166d24de3b25ecf2879177abe792ea12d926a94d24e46143fa58fb2ba8eab1

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11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 7, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Mark Seeger, Attorney at Law;
- c. Kaitlin Anderson, Assistant Hennepin County Attorney;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

13. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:****Case No. 27-CR-22-15550****State of MN vs BRITTANY LATESHA CRUTCHFIELD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-07-12**

MCRO\_27-CR-22-15550\_Finding of Incompetency and Order\_2023-07-12\_20240429161911.pdf

File Hash: 54c0a948f713bc1d34c6cff63b50593bdd0e9a2a62620bf20342aab2bebfe7

Page: 4 of 4

to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is January 9, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Alicia Granse, Assistant Hennepin County Public Defender;
- c. Megan Gjere, Assistant Hennepin County Attorney;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

**Case No. 27-CR-22-18209****State of MN vs JULIET KAY HIGGINS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-01-24**

MCRO\_27-CR-22-18209\_Finding of Incompetency and Order\_2023-01-24\_20240429162103.pdf

File Hash: 61f3d93aedba0f7613f22f609ff67e83778ffd2345b3daed8af5a19fc516d832

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**State of Minnesota,  
Court File No. 27-CR-22-18209;  
27-CR-23-66; 27-CR-23-574; 27-CR-23-762

Plaintiff,

vs.

Juliet Kay Higgins,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on January 24, 2023. The hearing was held remotely using the Zoom internet platform. Robert Sorenson, Assistant Hennepin County Attorney, represented the plaintiff in Court File No. 27-CR-22-18209. Defendant appeared in custody and was represented by Raissa Carpenter, Assistant Hennepin County Public Defender. Megan Griffin, Minneapolis City Attorney, appeared on behalf of the plaintiff in Court File Nos. 27-CR-23-66, 27-CR-23-574, and 27-CR-23-762. Pursuant to agreement of the parties, the Court is applying these findings to cases 27-CR-23-66, 27-CR-23-574, and 27-CR-23-762.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 09/30/1968), was charged in MNCIS file 27-CR-22-18209 with Domestic Assault (Felony) arising from an incident alleged to have occurred on 09/11/2022. On 10/13/2022, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.
2. On 10/13/2022, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristine Kienlen, Psy.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristine Kienlen, Psy.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-22-18789****State of MN vs MOLLY ANNE PRICE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-15**

MCRO\_27-CR-22-18789\_Finding of Incompetency and Order\_2023-03-15\_20240429162251.pdf

File Hash: 9eed921608305a73dcdd67c6a2357a0465397da45ac36a9608078869eee093a4

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**State of Minnesota,  
Court File No. 27-CR-22-18789

Plaintiff,

vs.

Molly Anne Price,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 14, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 07/17/1987), was charged in MNCIS file 27-CR-22-18789 with Threats of Violence (Felony) arising from an incident alleged to have occurred on 09/19/2022. On 10/21/2022, Judge Michael Burns found probable cause to believe that the offense was committed and that Defendant committed it.
2. On 12/29/2022, Judge Michael Burns ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristine Kienlen, Psy.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristine Kienlen, Psy.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-22-18938****State of MN vs NURADIN MOHAMUD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-01-11**

MCRO\_27-CR-22-18938\_Finding of Incompetency and Order\_2023-01-11\_20240429162443.pdf

File Hash: 39419b00c3e5121f1f89efac68b9368b0b7f7fa3a6c086a5947cf1edd29e1bd3

Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-22-18938

Plaintiff,

vs.

Nuradin Mohamud,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on January 10, 2023. The hearing was held remotely using the Zoom internet platform. Robert Sorenson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Judith Samson, Esq.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 07/26/1982), was charged with two counts of Aggravated Robbery- 1<sup>st</sup> Degree (Felony) arising from an incident alleged to have occurred on 05/11/2022. On 11/21/2022, Referee Lyonel Norris found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On 11/21/2022, Referee Lyonel Norris ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, and Dr. Casey Boland, Psy.D., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, and Dr. Casey Boland, Psy.D., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-22-18209****State of MN vs JULIET KAY HIGGINS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-01-24**

MCRO\_27-CR-22-18209\_Finding of Incompetency and Order\_2023-01-24\_20240429162103.pdf

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rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges in 27-CR-23-66, 27-CR-23-574, and 27-CR-23-762 must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Dominic Haik, Assistant Hennepin County Attorney – Criminal Division;  
Raissa Carpenter, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or

**Case No. 27-CR-22-18789****State of MN vs MOLLY ANNE PRICE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-15**

MCRO\_27-CR-22-18789\_Finding of Incompetency and Order\_2023-03-15\_20240429162251.pdf

File Hash: 9eed921608305a73dcdd67c6a2357a0465397da45ac36a9608078869eee093a4

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**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Erin Stephens, Assistant Hennepin County Attorney – Criminal Division;  
Jesse Dong, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or

**Case No. 27-CR-22-18938****State of MN vs NURADIN MOHAMUD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-01-11**

MCRO\_27-CR-22-18938\_Finding of Incompetency and Order\_2023-01-11\_20240429162443.pdf

File Hash: 39419b00c3e5121f1f89efac68b9368b0b7f7fa3a6c086a5947cf1edd29e1bd3

Page: 2 of 4

to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Daniel Robert Provencher, Assistant Hennepin County Attorney – Criminal Division;  
Judith Samson, Defense Attorney
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical

**Case No. 27-CR-22-18209****State of MN vs JULIET KAY HIGGINS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-01-24**

MCRO\_27-CR-22-18209\_Finding of Incompetency and Order\_2023-01-24\_20240429162103.pdf

File Hash: 61f3d93aedba0f7613f22f609ff67e83778ffd2345b3dacd8af5a19fc516d832

Page: 3 of 4

maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
12. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal

**Case No. 27-CR-22-18789****State of MN vs MOLLY ANNE PRICE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-15**

MCRO\_27-CR-22-18789\_Finding of Incompetency and Order\_2023-03-15\_20240429162251.pdf

File Hash: 9eed921608305a73dcdd67c6a2357a0465397da45ac36a9608078869eee093a4

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programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

**Case No. 27-CR-22-18938****State of MN vs NURADIN MOHAMUD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-01-11**

MCRO\_27-CR-22-18938\_Finding of Incompetency and Order\_2023-01-11\_20240429162443.pdf

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Page: 3 of 4

dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
12. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how

**Case No. 27-CR-22-18209****State of MN vs JULIET KAY HIGGINS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-01-24

MCRO\_27-CR-22-18209\_Finding of Incompetency and Order\_2023-01-24\_20240429162103.pdf

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shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

13. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

14. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 25, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Raissa Carpenter, Assistant Hennepin County Public Defender;
- c. Dominic Haik, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

15. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-22-18789****State of MN vs MOLLY ANNE PRICE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-03-15

MCRO\_27-CR-22-18789\_Finding of Incompetency and Order\_2023-03-15\_20240429162251.pdf

File Hash: 9eed921608305a73dcdd67c6a2357a0465397da45ac36a9608078869eee093a4

Page: 4 of 4

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 12, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Jesse Dong, Assistant Hennepin County Public Defender;
- c. Erin Stephens, Assistant Hennepin County Attorney;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

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Referee of District Court**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-22-18938****State of MN vs NURADIN MOHAMUD**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-01-11

MCRO\_27-CR-22-18938\_Finding of Incompetency and Order\_2023-01-11\_20240429162443.pdf

File Hash: 39419b00c3e5121f1f89efac68b9368b0b7f7fa3a6c086a5947cf1edd29e1bd3

Page: 4 of 4

the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

13. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

14. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 11, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Judith Samson, Defense Attorney;
- c. Daniel Robert Provencher, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

15. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

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Referee of District Court**BY THE COURT:**

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Judge of District Court

**Case No. 27-CR-22-19036****State of MN vs Crystal Latasha Mcbounds**

Filing Type: ·Finding of Incompetency and Order·

Filing Date: **2024-03-11**

MCRO\_27-CR-22-19036\_Finding of Incompetency and Order\_2024-03-11\_20240429162538.pdf

File Hash: e0688a9d6ff4671cf71af08922dc0b61e45e789d65a4cf75c14e551f144baeb

Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-22-19036

Plaintiff,

vs.

Crystal Latasha Mcbounds,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter was scheduled to come before the undersigned Referee of District Court on March 12, 2024. Jenna Dominik, Assistant Hennepin County Attorney, represented the plaintiff. Defendant and was represented by Allison Chadwick, Assistant Hennepin County Public Defender. Prior to the hearing, the parties agreed to an entry of a finding of incompetency without a hearing.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 01/24/1998), was charged in MNCIS file 27-CR-22-19036 with Assault-2<sup>nd</sup> Degree-Dangerous Weapon (Felony) arising from an incident alleged to have occurred on 07/15/2022. On October 13, 2023, Judge Michael Browne found probable cause to believe that the offense was committed and that Defendant committed it.
- On October 13, 2023, Judge Michael Browne ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Adam Gierok, PsyD, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Adam Gierok, PsyD, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-22-22687****State of MN vs CHASE RADLEY GREEN**

Filing Type: ·Finding of Incompetency and Order·

Filing Date: **2023-06-14**

MCRO\_27-CR-22-22687\_Finding of Incompetency and Order\_2023-06-14\_20240429163209.pdf

File Hash: f296f93673e4aac6d6ebe731032f06ad57d52855489ee22ee65235483bd68f5c

Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-22-3377, 27-CR-22-22687, 27-CR-23-4971

Plaintiff,

vs.

Chase Radley Green,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on June 13, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared out of custody and was represented by Eve Byron, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 04/15/1984), was charged in MNCIS file 27-CR-22-3377 with Theft (Felony) arising from an incident alleged to have occurred on February 19, 2022; in MNCIS file 27-CR-22-22687 with Theft (Misdemeanor) arising from an incident alleged to have occurred on November 14, 2022; and in MNCIS file 27-CR-23-4971 with 5<sup>th</sup> Degree Drugs (Felony) arising from an incident alleged to have occurred on February 25, 2023.
- On April 21, 2023, Judge Amber Brennan ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Kristine Kienlen, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Kristine Kienlen, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-22-25151****State of MN vs NICOLE LORETTA KELM**

Filing Type: ·Finding of Incompetency and Order·

Filing Date: **2023-12-05**

MCRO\_27-CR-22-25151\_Finding of Incompetency and Order\_2023-12-05\_20240429164605.pdf

File Hash: 2ce7af92fc82ee6cec32a3128372234a7cd32057e4e81cfe7536fd4c15df2f4d

Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-22-25151

Plaintiff,

vs.

Nicole Loretta Kelm,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on December 5, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was not present and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 10/17/1985), was charged in MNCIS file 27-CR-22-25151 with Assault – 2<sup>nd</sup> Degree (Felony) arising from an incident alleged to have occurred on December 14, 2022. On October 13, 2023, Judge Michael Burns found probable cause to believe that the offense was committed and that Defendant committed it.
- On October 13, 2023, Judge Michael Burns ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Joseph Korevec, Psy.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Joseph Korevec, Psy.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-22-19036****State of MN vs Crystal Latasha Mcbounds**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-11**

MCRO\_27-CR-22-19036\_Finding of Incompetency and Order\_2024-03-11\_20240429162538.pdf

File Hash: e0688a9d6ff4671cf71af08922dc0b61e45e789d65a4cf75c14e551f144baeb

Page: 2 of 4

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
  
Jenna Dominik, Assistant Hennepin County Attorney – Criminal Division;  
Allison Chadwick, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or

**Case No. 27-CR-22-22687****State of MN vs CHASE RADLEY GREEN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-14**

MCRO\_27-CR-22-22687\_Finding of Incompetency and Order\_2023-06-14\_20240429163209.pdf

File Hash: f296f93673e4aac6d6ebe731032f06ad57d52855489ee22ee65235483bd68f5c

Page: 2 of 4

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
  
Nicholas Nathaniel Summers, Assistant Hennepin County Attorney – Criminal Division;  
Chase Myhran, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or

**Case No. 27-CR-22-25151****State of MN vs NICOLE LORETTA KELM**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-12-05**

MCRO\_27-CR-22-25151\_Finding of Incompetency and Order\_2023-12-05\_20240429164605.pdf

File Hash: 2ce7af92fc82ee6cec32a3128372234a7cd32057e4e81cfe7536fd4c15df2f4d

Page: 2 of 4

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
  
Joshua Luger, Assistant Hennepin County Attorney – Criminal Division;  
Amanda Brodhag, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or

**Case No. 27-CR-22-19036****State of MN vs Crystal Latasha Mcbounds**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-11**

MCRO\_27-CR-22-19036\_Finding of Incompetency and Order\_2024-03-11\_20240429162538.pdf

File Hash: e0688a9d6ff4671cf71af08922dc0b61e45e789d65a4cf75c14e551f144baeb

Page: 3 of 4

programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

**Case No. 27-CR-22-22687****State of MN vs CHASE RADLEY GREEN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-14**

MCRO\_27-CR-22-22687\_Finding of Incompetency and Order\_2023-06-14\_20240429163209.pdf

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physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

**Case No. 27-CR-22-25151****State of MN vs NICOLE LORETTA KELM**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-12-05**

MCRO\_27-CR-22-25151\_Finding of Incompetency and Order\_2023-12-05\_20240429164605.pdf

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Page: 3 of 4

programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

**Case No. 27-CR-22-19036****State of MN vs Crystal Latasha Mcbounds**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-11**

MCRO\_27-CR-22-19036\_Finding of Incompetency and Order\_2024-03-11\_20240429162538.pdf

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Page: 4 of 4

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Allison Chadwick, Assistant Hennepin County Public Defender (allison.chadwick@hennepin.us);
- c. Jenna Dominik, Assistant Hennepin County Attorney (jenna.dominik@hennepin.us);
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-22-22687****State of MN vs CHASE RADLEY GREEN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-14**

MCRO\_27-CR-22-22687\_Finding of Incompetency and Order\_2023-06-14\_20240429163209.pdf

File Hash: f296f93673e4aac6d6ebe731032f06ad57d52855489ee22ee65235483bd68f5c

Page: 4 of 4

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is December 12, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Chase Myhran, Assistant Hennepin County Public Defender;
- c. Nicholas Nathaniel Summers, Assistant Hennepin County Attorney;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-22-25151****State of MN vs NICOLE LORETTA KELM**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-12-05**

MCRO\_27-CR-22-25151\_Finding of Incompetency and Order\_2023-12-05\_20240429164605.pdf

File Hash: 2ce7af92fc82ee6cec32a3128372234a7cd32057e4e81cf7536fd4c15df2f4d

Page: 4 of 4

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is June 4, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Amanda Brodhag, Assistant Hennepin County Public Defender (amanda.brodhag@hennepin.us);
- c. Joshua Luger, Assistant Hennepin County Attorney (joshua.luger@hennepin.us);
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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*George Borer*  
Borer, George  
Dec 13 2023 8:24 AM

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Referee of District Court

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*Michael Browne*  
Browne, Michael  
Dec 13 2023 12:46 PM

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Judge of District Court

**Case No. 27-CR-23-1101****State of MN vs MICHAEL CHANTEL WRIGHT**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-08-30**

MCRO\_27-CR-23-1101\_Finding of Incompetency and Order\_2023-08-30\_20240430072129.pdf

File Hash: 71306d61cec36c8c5627f7208f1caf84432a23c9c1cbc2d3c9ceb1ca86d6ef4b

Page: 1 of 4

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Michael Chantel Wright,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on August 29, 2023. The hearing was held remotely using the Zoom internet platform. Heidi Johnston, Minneapolis City Attorney, represented the plaintiff. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 04/03/1973), was charged in MNCIS file 27-CR-20-22772 with Harassment; Violation of Restraining Order (Misdemeanor) arising from an incident alleged to have occurred on September 18, 2019; MNCIS Case No. 27-CR-20-22967 with Harassment; Violation of Restraining Order (Misdemeanor) arising from an incident alleged to have occurred on October 24, 2020; and MNCIS Case No. 27-CR-23-1101 with Harassment; Return to Property – No Claim/Right/ Consent (Gross Misdemeanor) and three counts of Harassment; Violation of Restraining Order (Misdemeanor) arising from an incident alleged to have occurred on July 17, 2020. In the latter case, on April 26, 2023, Judge Burdorf found probable cause to believe that the Gross Misdemeanor offense was committed and that Defendant committed it.
2. On April 26, 2023, Judge Burdorf ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Michael Chantel Wright,

Defendant.

Court File No. 27-CR-23-1101

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on April 5, 2024. The hearing was held remotely using the Zoom internet platform. Megan Griffin City of Minneapolis represented the plaintiff. Defendant appeared out of custody and was represented by Melissa Fraser, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 04/30/1973), was charged in MNCIS file 27-CR-23-1101 with Harassment – Return to Property – No Claim/Right/Consent (Gross Misdemeanor), Harassment - Violation of Restraining Order (Misdemeanor), Harassment - Violation of Restraining Order (Misdemeanor), and Harassment - Violation of Restraining Order (Misdemeanor) arising from an incident alleged to have occurred on July 17, 2020. On April 26, 2023, Judge Burdorf found probable cause to believe that the offense(s) were committed and that Defendant committed them.
2. On April 26, 2023, Judge Burdorf ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to

**Case No. 27-CR-23-21403****State of MN vs PETER JAHAN LEHMEYER**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-04-26**

MCRO\_27-CR-23-21403\_Finding of Incompetency and Order\_2024-04-26\_20240430074932.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

Court File No. 27-CR-23-21403, 27-CR-24-385

State of Minnesota,

Plaintiff,

v.

Peter Jahan Lehmyer,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the Honorable Michael K. Browne, Judge of District Court, on April 25, 2024. The hearing was held in person at the Hennepin County Government Center, 300 South Sixth Street, Minneapolis, Minnesota. Steven M. Tallen, Deephaven City Attorney, represented the State. Defendant appeared out of custody and was represented by Julia M. Inz, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 07/14/1982), was charged in MNCIS file 27-CR-23-21403 with driving after cancellation – inimical to public safety (Gross Misdemeanor) arising from an incident alleged to have occurred on October 6, 2023; and MNCIS Case No. 27-CR-24-385 with driving after cancellation – inimical to public safety (Gross Misdemeanor) arising from an incident alleged to have occurred on December 29, 2023. On October 9, 2023, Judge Wahl found probable cause to believe that the offense(s) was committed, and that Defendant committed it.
2. On October 9, 2024, the Honorable Edward Wahl, Judge of District Court, ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Elizabeth J. Barbo, Ph.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-23-1101****State of MN vs MICHAEL CHANTEL WRIGHT**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-08-30**

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3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charge(s). The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Zenaida Chico, Minneapolis City Attorney – Criminal Division;  
Juanita Louise Kyle, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

**Case No. 27-CR-23-1101****State of MN vs MICHAEL CHANTEL WRIGHT**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-04-04**

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rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charge. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.

2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Zenaida Chico, Hennepin County Attorney – Criminal Division;

Juanita Kyle, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.

5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

**Case No. 27-CR-23-21403****State of MN vs PETER JAHAN LEHMEYER**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-04-26**

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4. A contested competency hearing was held on April 11, 2024, and the undersigned judge determined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charge(s).

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.

2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Steven M. Tallen, Deephaven City Attorney – Criminal Division (stallen@grjn.com);

Julia M. Inz, Assistant Hennepin County Public Defender (Julia.Inz@hennepin.us).

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.

5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

**Case No. 27-CR-23-1101****State of MN vs MICHAEL CHANTEL WRIGHT**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-08-30**

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Page: 3 of 4

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received

**Case No. 27-CR-23-1101****State of MN vs MICHAEL CHANTEL WRIGHT**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-04-04**

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**Case No. 27-CR-23-21403****State of MN vs PETER JAHAN LEHMEYER**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-04-26**

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Page: 3 of 4

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

**Case No. 27-CR-23-1101****State of MN vs MICHAEL CHANTEL WRIGHT**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-08-30**

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Page: 4 of 4

information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is February 27, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Zenaida Chico, Minneapolis City Attorney – Criminal Division;
- c. Juanita Louise Kyle, Assistant Hennepin County Public Defender
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

13. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-23-1101****State of MN vs MICHAEL CHANTEL WRIGHT**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-04-04**

MCRO\_27-CR-23-1101\_Finding of Incompetency and Order\_2024-04-04\_20240430072125.pdf

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in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 1, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Zenaida Chico, Hennepin County Attorney – Criminal Division;
- c. Juanita Kyle, Assistant Hennepin County Public Defender
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

13. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Browne, Michael  
Apr 4 2024 1:38 PM  
Judge of District Court**Case No. 27-CR-23-21403****State of MN vs PETER JAHAN LEHMEYER**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-04-26**

MCRO\_27-CR-23-21403\_Finding of Incompetency and Order\_2024-04-26\_20240430074932.pdf

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11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 22, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Julia M. Inz, Assistant Hennepin County Public Defender;
- c. Steven M. Tallen, Deephaven City Attorney – Criminal Division;
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

13. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT**

**Case No. 27-CR-23-284****State of MN vs MOHAMED ABDI SHIDE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
Court File No. 27-CR-22-17879, 27-CR-22-  
20234, 27-CR-23-62, 27-CR-23-284, 27-CR-  
23-1251, 27-CR-23-1657, 27-CR-23-2211, 27-  
CR-23-3423

vs.  
Mohamed Abdi Shide,  
**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**  
Defendant.

This matter came before the undersigned Referee of District Court on March 21, 2023. The hearing was held remotely using the Zoom internet platform. Megan Griffin, Minneapolis City Attorney, represented the plaintiff. Christopher Renz, counsel for the Metropolitan Airports Commission, waived his appearance. Defendant appeared in custody and was represented by Ashley Schoenborn, Assistant Hennepin County Public Defender. Also present was Sahil Kahin, Somali language interpreter.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 01/02/1987), was charged in MNCIS file 27-CR-22-17879 with Trespassing (Misdemeanor) arising from an incident alleged to have occurred on September 07, 2022; in MNCIS file 27-CR-22-20234 with Indecent Exposure (Misdemeanor) arising from an incident alleged to have occurred on October 10, 2022; in MNCIS file 27-CR-23-62 with 5<sup>th</sup> Degree Assault (Misdemeanor) arising from an incident alleged to have occurred on January 2, 2023; in MNCIS file 27-CR-23-284 with Trespass on Critical Public Service Facilities arising from an incident alleged to have occurred on January 3, 2023; in MNCIS file 27-CR-23-1251 with Indecent Exposure (Misdemeanor) and Trespass (Misdemeanor) arising from an incident alleged to have occurred on January 2, 2023; in MNCIS file 27-CR-23-1657 with Give Peace Officer False Name (Misdemeanor) arising from an incident alleged to have occurred on January 11, 2023; in MNCIS file 27-CR-23-2211 with 5<sup>th</sup> Degree Assault (Misdemeanor) arising from an incident alleged to have occurred on January 28, 2023; in

**Case No. 27-CR-23-3198****State of MN vs AARON DASHAUN CHERRY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-12-06**

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**State of Minnesota  
County of Hennepin****District Court  
Fourth Judicial District**

State of Minnesota,  
Plaintiff,

Referee Lori D. Skibbie  
Case Type: Criminal

v.

Aaron Dashawn Cherry,

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
REGARDING DEFENDANT'S  
COMPETENCY TO PROCEED**

Defendant.

Case Number(s): 27-CR-23-3198;  
27-CR-21-19577

The above-entitled matter came before Lori D. Skibbie, Referee of District Court, on November 17, 2023, for an evidentiary hearing upon the Defense's objection to the competency opinion rendered by Dr. Lauren Herbert, Director of the Department for Human Services Forensic Evaluation Department, dated August 31, 2023. Joshua Luger, Assistant Hennepin County Attorney, appeared for the State. Chelsea Knutson appeared with and on behalf of the Defendant who was present. Dr. Lauren Herbert testified, and the Court received her report dated August 31, 2023. Chelsea Knutson also testified. Also present at the hearing was Susan Herlofsky, Defense co-counsel. The Court took the matter under advisement. Based upon the arguments presented and all the files and records herein, the Court orders as follows:

1. Defendant is **INCOMPETENT** to proceed.

**PROCEDURAL HISTORY AND FINDINGS OF FACT**

Mr. Cherry is charged with one count of Violating a No Contact Order and one count of Domestic Assault – Felony. On July 31, 2023, probable cause was found that a crime had been committed, and a Rule 20.01 evaluation was ordered by Judge Koch. Dr. Lauren Herbert of Fourth Judicial District Psychological Services was assigned to complete the 20.01 evaluation of the defendant, Mr. Cherry. Dr. Herbert filed her report with the court on August 31, 2023, and opined that Mr. Cherry was competent to proceed. The Defendant requested an evidentiary hearing.

**Case No. 27-CR-23-3423****State of MN vs MOHAMED ABDI SHIDE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,

Court File No. 27-CR-22-17879, 27-CR-22-  
20234, 27-CR-23-62, 27-CR-23-284, 27-CR-  
23-1251, 27-CR-23-1657, 27-CR-23-2211, 27-  
CR-23-3423

vs.  
Mohamed Abdi Shide,  
**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**  
Defendant.

This matter came before the undersigned Referee of District Court on March 21, 2023. The hearing was held remotely using the Zoom internet platform. Megan Griffin, Minneapolis City Attorney, represented the plaintiff. Christopher Renz, counsel for the Metropolitan Airports Commission, waived his appearance. Defendant appeared in custody and was represented by Ashley Schoenborn, Assistant Hennepin County Public Defender. Also present was Sahil Kahin, Somali language interpreter.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 01/02/1987), was charged in MNCIS file 27-CR-22-17879 with Trespassing (Misdemeanor) arising from an incident alleged to have occurred on September 07, 2022; in MNCIS file 27-CR-22-20234 with Indecent Exposure (Misdemeanor) arising from an incident alleged to have occurred on October 10, 2022; in MNCIS file 27-CR-23-62 with 5<sup>th</sup> Degree Assault (Misdemeanor) arising from an incident alleged to have occurred on January 2, 2023; in MNCIS file 27-CR-23-284 with Trespass on Critical Public Service Facilities arising from an incident alleged to have occurred on January 3, 2023; in MNCIS file 27-CR-23-1251 with Indecent Exposure (Misdemeanor) and Trespass (Misdemeanor) arising from an incident alleged to have occurred on January 2, 2023; in MNCIS file 27-CR-23-1657 with Give Peace Officer False Name (Misdemeanor) arising from an incident alleged to have occurred on January 11, 2023; in MNCIS file 27-CR-23-2211 with 5<sup>th</sup> Degree Assault (Misdemeanor) arising from an incident alleged to have occurred on January 28, 2023; in

**Case No. 27-CR-23-284****State of MN vs MOHAMED ABDI SHIDE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-03-22

MCRO\_27-CR-23-284\_Finding of Incompetency and Order\_2023-03-22\_20240430071740.pdf

File Hash: 97f3e1e640182b7db3837b46374b10057ea0607047b653989118a1642db7f748

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MNCIS file 27-CR-23-3423 with Indecent Exposure (Gross Misdemeanor) and Trespass on Critical Public Services Facilities (Gross Misdemeanor) from an incident alleged to have occurred on February 12, 2023. On February 14, 2023, Judge Larson found probable cause to believe that the offense(s) were committed and that Defendant committed them.

2. On February 14, 2023, Judge Larson ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Amanda Powers, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amanda Powers, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charge(s). The misdemeanor charges(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten days of the date of service.

Heidi Johnston, Assistant Minneapolis City Attorney – Criminal Division;  
 Gretchen Zettler, Assistant Minneapolis City Attorney – Criminal Division;  
 Amy Jo Tripp-Steiner, Assistant Minneapolis City Attorney – Criminal Division;  
 Christopher Renz, Attorney for Metropolitan Airport Commission;  
 Patrick Marzitelli, Assistant Minneapolis City Attorney – Criminal Division;  
 Ahmad Samaha, Assistant Minneapolis City Attorney – Criminal Division;

**Case No. 27-CR-23-3198****State of MN vs AARON DASHAUN CHERRY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-12-06

MCRO\_27-CR-23-3198\_Finding of Incompetency and Order\_2023-12-06\_20240430072732.pdf

File Hash: 461d1d13b1692b0373965bf6ef2af6e287dfc51bacfdd3caf92f3aee58d544b5

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In her report filed August 31, 2023, Dr. Herbert stated that due to Mr. Cherry's lack of participation in the interview, relevant background information could not be obtained directly from Mr. Cherry. Therefore, the background information was obtained by looking at Dr. Coffin's April 3, 2023, Rule 20 Report. Rule 20 Report. p. 4. Dr. Herbert noted that Mr. Cherry reported he was born in Illinois and has a poor relationship with his parents. *Id.* He was raised by his father's sister who he considers his mother. *Id.* Mr. Cherry had previously denied in a 2009 psychologic evaluation any mental health treatment of any kind. However, during this evaluation he was diagnosed with Conduct Disorder, Mild to Moderate and History of Alcohol and Cannabis Abuse. *Id.* According to Hennepin Healthcare records from April 26, 2018, Mr. Cherry presented with "severe attention deficit". *Id.* Mr. Cherry, according to a 2018 PSI, had consumed alcohol to the point of blacking out, but did not consume alcohol every day. *Id.* This PSI stated Mr. Cherry had also started using cannabis in 2007 or 2008 and had used it everyday until 2017. *Id.* However, a 2022 PSI stated that Mr. Cherry denied ever experimenting with cannabis or alcohol ever in his life. *Id.* At 5. Mr. Cherry has never had symptoms of psychosis, including auditory or visual hallucinations, delusional or paranoid thoughts, or ideas of reference. *Id.* However, medical records reported that Mr. Cherry had suicidal behavior in 2018 while in Ramsey County Jail. *Id.*

Dr. Herbert also reviewed Mr. Cherry's prior three competency to proceed evaluations. The first evaluation was done by Dr. Bruce Renken on November 17, 2021. *Id.* at 8. Dr. Renken stated that Mr. Cherry was minimally cooperative. *Id.* His responses were disjointed or in unfinished sentences or phrases. *Id.* He then began to respond in a very slow manner before eventually speaking at a normal pace. *Id.* Dr. Renken questioned why Mr. Cherry was able to speak normally and asked if Mr. Cherry was playing games. *Id.* Mr. Cherry responded, "I won't play games." *Id.* Dr. Renken also noted that at another evaluation, Mr. Cherry presented as if he could not understand basic instructions. *Id.* Dr. Renken opined that Mr. Cherry was incompetent to proceed and noted, "Mr. Cherry's history suggests an atypical clinical picture, with possible factors of substance and malingerers, as well as likely symptoms of mental illness." *Id.* Mr. Cherry was diagnosed with Antisocial Personality Disorder and Unspecified Anxiety Disorder. *Id.*

The second competency hearing was administered by Dr. John Anderson on May 13, 2022. Dr. Anderson opined that Mr. Cherry was competent to proceed and Mr. Cherry's cooperation was inconsistent throughout the interviews. *Id.* Dr. Anderson noted that Mr. Cherry would sometimes respond to questions and other times "stared as if to convey he did not hear a question". *Id.* Dr.

**Case No. 27-CR-23-3423****State of MN vs MOHAMED ABDI SHIDE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-03-22

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File Hash: fcf3ba67b44d5e2ade6f6dafc9f2f7ac99958bedb4bf1ead429c4c05ec150d1

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MNCIS file 27-CR-23-3423 with Indecent Exposure (Gross Misdemeanor) and Trespass on Critical Public Services Facilities (Gross Misdemeanor) from an incident alleged to have occurred on February 12, 2023. On February 14, 2023, Judge Larson found probable cause to believe that the offense(s) were committed and that Defendant committed them.

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**ORDER**

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 Christopher Renz, Attorney for Metropolitan Airport Commission;  
 Patrick Marzitelli, Assistant Minneapolis City Attorney – Criminal Division;  
 Ahmad Samaha, Assistant Minneapolis City Attorney – Criminal Division;

**Case No. 27-CR-23-284****State of MN vs MOHAMED ABDI SHIDE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

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Ashley Schoenborn, Assistant Hennepin County Public Defender;  
 Yastril Nanez, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.

**Case No. 27-CR-23-3198****State of MN vs AARON DASHAUN CHERRY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-12-06**

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Anderson administered a screening instrument to test for malingering and noted that Mr. Cherry responded yes to all but one item, which is atypical for someone with genuine psychiatric or cognitive disorder. *Id.* Dr. Anderson opined that Mr. Cherry was feigning and deemed him competent to proceed. *Id.* Mr. Cherry was diagnosed with Antisocial Personality Disorder, Alcohol Use Disorder and Cannabis use Disorder, both in a controlled environment. *Id.*

Mr. Cherry's most recent competency evaluation was completed on April 3, 2023, by Dr. Richard Coffin. *Id.* at 9. Dr. Coffin noted that Mr. Cherry was not cooperative in answering questions. *Id.* Mr. Cherry communicated through gesturing and writing various case numbers, statements, phone numbers and emails from the collection of documents Mr. Cherry had brought into the interview. *Id.* During another interview with Dr. Coffin, Mr. Cherry was mostly mute except to complain of abdominal pain. *Id.* He was clutching his abdomen and rocking back and forth throughout the majority of the interview. *Id.* Mr. Cherry was able to participate in some discussion, but his thoughts were disorganized outside of those few interactions. Dr. Coffin noted Mr. Cherry can communicate about topics he chooses, but otherwise has disjointed communications. *Id.* at 11. Dr. Coffin diagnosed Mr. Cherry with Antisocial Personality Disorder, Malingering and Cannabis Use Disorder, in a controlled environment. *Id.* at 13. Dr. Coffin opined that Mr. Cherry was competent to proceed. *Id.*

Dr. Herbert, after reviewing these files and conducting her own interviews with Mr. Cherry opined that Mr. Cherry was competent to proceed. *Id.* at 17. Dr. Herbert's report noted that Mr. Cherry did not speak throughout their interview. *Id.* at 16. She noted that Mr. Cherry showed her his inmate bracelet at one point, but otherwise provided no communication. *Id.* Dr. Herbert stated that Mr. Cherry's history presents an atypical clinical picture and the symptom he presents with most consistently is mutism. *Id.* She notes mutism, with the exception of Schizophrenia, is generally not a feature of mental illness. However, she does state mutism can be a symptom of cognitive impairment, "typically related to a developmental and/or neurocognitive disability." *Id.* Dr. Herbert noted, "Mutism alone is not sufficient to render an individual incompetent to proceed." *Id.* Dr. Herbert further states that Mr. Cherry has demonstrated an ability to understand what is being said to him by responding behaviorally that is relevant. *Id.* Finally, Dr. Herbert concluded in her report that because Mr. Cherry remained mute that she was "unable to formally obtain information relevant to his ability to consult with counsel, understand the proceedings, or participate in his defense." *Id.* at 17.

**Case No. 27-CR-23-3423****State of MN vs MOHAMED ABDI SHIDE**

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Ashley Schoenborn, Assistant Hennepin County Public Defender;  
 Yastril Nanez, Assistant Hennepin County Public Defender

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7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.

**Case No. 27-CR-23-284****State of MN vs MOHAMED ABDI SHIDE**

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9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended

**Case No. 27-CR-23-3198****State of MN vs AARON DASHAUN CHERRY**

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Filing Date: **2023-12-06**

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In addition to her report, Dr. Herbert provided testimony in this matter. Dr. Herbert testified that she reviewed the prior competency proceedings, including the reports done by Dr. Renken, Dr. Anderson and Dr. Coffin. She also reviewed a 2018 PSI report. Dr. Herbert also personally interviewed Mr. Cherry. Her interview with Mr. Cherry only lasted about 5 minutes. She testified that typically evaluations last between an hour and a half to two hours. Dr. Herbert testified that despite the short-time frame in her personal evaluation, she opined that Mr. Cherry was likely competent to proceed. She testified that her determination comes from the totality of the information available, and that it is important not to weigh one source heavier than another. However, Dr. Herbert testified that she was not able to say with certainty that Mr. Cherry could rationally consult with counsel.

Dr. Herbert testified further that she did not do psych, cognitive or malingering testing on Mr. Cherry. When Dr. Herbert was asked if one component of malingering is different presentations with different individuals, she answered yes. However, she further testified that she did not find it necessary to speak to friends or family of Mr. Cherry. She also stated that she did not speak to other deputies in the jail that had more routine contact with Mr. Cherry as she didn't find it necessary to seek out that information. Dr. Herbert also testified that psych testing would be useful to making a diagnosis of malingering but did not test Mr. Cherry for it. She further testified that mutism could be a result of cognitive impairment or deficit. However, Dr. Herbert stated she did not do cognitive testing for Mr. Cherry as she did not see the need for it.

Ms. Knutson, Mr. Cherry's counsel, also provided testimony in this matter. Ms. Knutson testified that she has been a public defender in Minneapolis since April 2018. She stated she currently represents around 80 clients and has provided legal services for several hundred throughout her five-year tenure as a public defender. Ms. Knutson testified that she has only requested Rule 20.01 competency evaluation for three clients, including Mr. Cherry, since she became a public defender. She stated that she met with Mr. Cherry three to four times before making a Rule 20.01 motion, and two to four times since, and had spoken with his previous counsel as well. During these meetings with Mr. Cherry, he did not speak with Ms. Knutson verbally. She stated that he would only communicate through writings that did not give direction on how to proceed in his current case. Ms. Knutson tried open and closed-ended questions, asked specific questions about the writings Mr. Cherry would give her and attempted to solicit nonverbal communication by gesture to ascertain a level of understanding. These meetings, in total, lasted

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10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended

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conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least fourteen (14) days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 19, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Ashley Schoenborn, Assistant Hennepin County Public Defender;
- c. Yastril Nanez, Assistant Hennepin County Public Defender
- d. Heidi Johnston, Assistant Minneapolis City Attorney – Criminal Division;
- e. Gretchen Zettler, Assistant Minneapolis City Attorney – Criminal Division;
- f. Amy Jo Tripp-Steiner, Assistant Minneapolis City Attorney – Criminal Division;
- g. Christopher Renz, Attorney for Metropolitan Airport Commission;
- h. Patrick Marzitelli, Assistant Minneapolis City Attorney – Criminal Division;
- i. Ahmad Samaha, Assistant Minneapolis City Attorney – Criminal Division;
- j. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- k. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**Case No. 27-CR-23-3198****State of MN vs AARON DASHAUN CHERRY**

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approximately two to three hours, and in that time, there was never a verbal response from Mr. Cherry.

Ms. Knutson further testified that due to the lack of communication with Mr. Cherry, it makes certain decisions with his case impossible. She states that Mr. Cherry must be able to make a decision about whether to plea and whether or not to testify, which cannot be ascertained without any logical communication from Mr. Cherry. Ms. Knutson also stated that she has not been able to gather any information from Mr. Cherry. When asked if Ms. Knutson believed Mr. Cherry could understand the charges, she said it was unclear because she has never received an answer. She stated that decisions must come from Mr. Cherry and if he does understand, he still is not communicating with her. She further testified that she could see no benefit to Mr. Cherry not communicating. When asked if Mr. Cherry's mutism was delaying moving forward in his case, she replied yes and that he has been in custody since February 2023. Ms. Knutson stated that even when Mr. Cherry would gesture or write something down, it was nonsensical and not in response to the questions she asked him. She stated that she did not find his responses to be meaningful. Finally, Ms. Knutson stated she would not be able to effectively represent Mr. Cherry due to his lack of communication.

**LEGAL CONCLUSIONS**

"A defendant has a due process right not to be tried or convicted of a criminal charge if he the Minnesota Rules of Criminal Procedure requires the Court to find a defendant not competent unless the greater weight of the evidence shows that the defendant is competent to proceed. Minn.R.Crim.P. Rule 20.01, subd. 5 (c). A defendant is not competent if, due to mental illness or cognitive impairment he is unable to "(a) rationally consult with counsel or (b) understand the proceedings or participate in the defense." *Id.*, subd. 2. The determination of whether a defendant is able to rationally consult with the defense attorney or understand and participate in the proceedings turns on the facts of each particular case. Moreover, fact-finders, including district courts, are not required to accept an expert's testimony or recommendations. *State v. Roberts*, 876 N.W.2d 863, 868 (Minn. 2016). Foremost, throughout the criminal proceedings the trial court must be mindful of its protective duty to ensure that a defendant is competent to proceed. See *State v. Bauer*, 245 N.W.2d 848, 852 (Minn. 1976) (ruling that the court should have conducted further inquiry into the important matter of defendant's competency). It is the State's burden, by a

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- j. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
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**Case No. 27-CR-23-284****State of MN vs MOHAMED ABDI SHIDE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-284\_Finding of Incompetency and Order\_2023-03-22\_20240430071740.pdf

File Hash: 97f3e1e640182b7db3837b46374b10057ea0607047b653989118a1642db7f748

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Order Recommended By:

**BY THE COURT:**

Referee of District Court

Judge of District Court

**Case No. 27-CR-23-3198****State of MN vs AARON DASHAUN CHERRY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-12-06**

MCRO\_27-CR-23-3198\_Finding of Incompetency and Order\_2023-12-06\_20240430072732.pdf

File Hash: 461d1d13b1692b0373965bf6ef2af6e287dfc51bacfdd3caf92f3aee58d544b5

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preponderance of the evidence, to prove that a defendant is competent. *State v. Curtis*, 921 N.W.2d 342, 348 (2018). The standard to be applied is a fair preponderance of the evidence. *Id.*

Based on the totality of the facts noted above, the Court finds that the State has not met its burden of proving, by greater weight of the evidence, that Mr. Cherry is currently able to rationally consult with counsel, understand the proceedings, and participate in his defense. While Dr. Herbert opined in her report that Mr. Cherry would be competent, Mr. Cherry's mutism has significantly hindered his ability to consult with counsel and participate in his defense. The Court finds Dr. Herbert's report to be credible, but not persuasive. Mr. Cherry's competency proceeding history shows that Mr. Cherry has not been able to communicate or show understanding in a way that is meaningful towards his criminal proceedings. Dr. Herbert herself also stated she was not able to say with certainty that Mr. Cherry could rationally consult with counsel.

The Court finds Ms. Knutson's testimony that Mr. Cherry has not verbally spoken with her and has not provided any communications regarding any decisions with his case to be persuasive. Mr. Cherry has only provided a few writings, all of which have not made sense or shown that he has a requisite understanding of his criminal case. There has not been any communication in a logical or sensical way between Mr. Cherry and Ms. Knutson since Ms. Knutson took over the case, despite six to eight meetings between them. For these reasons, the Court finds that Mr. Cherry does not have a rational understanding of the proceedings, lacks the ability to rationally consult with counsel, and lacks the ability to participate in his defense.

Therefore, the court finds that the defendant, Mr. Cherry (Aaron Deshaun Cherry) is **INCOMPETENT**.

Order Recommended By:

**BY THE COURT:**

Referee of District Court

Judge of District Court

**Case No. 27-CR-23-3423****State of MN vs MOHAMED ABDI SHIDE**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3423\_Finding of Incompetency and Order\_2023-03-22\_20240430072821.pdf

File Hash: fcf3ba67b44d5e2ade6f6dafc9f2f7ac99958bedb4bf1ead429c4c05ec150d1

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Order Recommended By:

**BY THE COURT:**

Referee of District Court

Judge of District Court

**Case No. 27-CR-18-18391****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-18-18391\_Finding of Incompetency and Order\_2023-06-06\_20240430092721.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

Court File No. 27-CR-18-18391, 27-CR-19-1916, 27-CR-19-3539, 27-CR-19-17539, 27-CR-21-22058

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on June 6, 2023. The hearing was held remotely using the Zoom internet platform. Chris Freeman, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 09/13/1998), was charged in MNCIS file 27-CR-18-18391 with Assault 5<sup>th</sup> Degree-2 (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault-5<sup>th</sup> Degree (Felony) and Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS file 27-CR-19-17539 with Assault-5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; and in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021. In the latter case, on December 1, 2022, Judge Nicole Engisch found probable cause to believe that the offense was committed and that Defendant committed it.
- On April 4, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

**Case No. 27-CR-18-18391****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-18-18391\_Finding of Incompetency and Order\_2024-03-20\_20240430092713.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

Court File No. 27-CR-18-18391; 27-CR-19-1916; 27-CR-19-3539; 27-CR-19-17539; 27-CR-21-22058; 27-CR-23-22062; 27-CR-24-4893

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 19, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 09/03/1998), was charged in MNCIS file 27-CR-18-18391 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault – 5<sup>th</sup> Degree (Felony) and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS file 27-CR-19-17539 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021; in MNCIS file 27-CR-23-22062 with Assault – 2<sup>nd</sup> Degree (Felony), Burglary – 1<sup>st</sup> Degree (Felony), and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 27, 2023; and in MNCIS file 27-CR-24-4893 with Assault – 4<sup>th</sup> Degree (Felony), Assault – 4<sup>th</sup> Degree (Felony), and Assault – 5<sup>th</sup> Degree (Misdemeanor) arising from an incident alleged to have occurred on February 27, 2024.

**Case No. 27-CR-18-26530****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-18-26530\_Finding of Incompetency and Order\_2023-05-24\_20240430093352.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

William Lee Nabors,

Defendant.

Court File No. 27-CR-18-26530, 27-CR-19-9270, 27-CR-20-1053, 27-CR-22-3553

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on May 23, 2023. The hearing was held remotely using the Zoom internet platform. Thomas Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 12/10/1970), was convicted in MNCIS file 27-CR-18-26530 with Trespass (Gross Misdemeanor). Defendant was charged in MNCIS file 27-CR-19-9270 with Transit-Obstruct/Interfere with Operation of Vehicle (Gross Misdemeanor) arising from an incident alleged to have occurred on April 21, 2019; in MNCIS file 27-CR-20-1053 with Theft (Misdemeanor) arising from an incident alleged to have occurred on January 11, 2020; and in MNCIS file 27-CR-22-3553 with 1<sup>st</sup> Degree Assault (Felony) and 3<sup>rd</sup> Degree Assault (Felony) arising from an incident alleged to have occurred on February 22, 2022. In the latter case, on April 20, 2023, Judge Askalani found probable cause to believe that the offenses were committed and that Defendant committed them.
- On April 20, 2023, Judge Askalani ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-18-18391****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-18-18391\_Finding of Incompetency and Order\_2023-06-06\_20240430092721.pdf

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3. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Evan Powell, Assistant Hennepin County Attorney – Criminal Division;  
Atif Kahn, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

**Case No. 27-CR-18-18391****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-18-18391\_Finding of Incompetency and Order\_2024-03-20\_20240430092713.pdf

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2. The Court previously entered a finding of incompetent to stand trial in each of the referenced cases.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Evan Powell, Assistant Hennepin County Attorney – Criminal Division;  
Atif Khan, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

**Case No. 27-CR-18-26530****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-18-26530\_Finding of Incompetency and Order\_2023-05-24\_20240430093352.pdf

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4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Natasha Yenina, Assistant Hennepin County Attorney – Criminal Division;  
Karen Mara, Minneapolis City Attorney;  
Patrick Leach, Edina City Attorney;  
Peter Martin, Attorney for Defendant
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

**Case No. 27-CR-18-18391****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-18-18391\_Finding of Incompetency and Order\_2023-06-06\_20240430092721.pdf

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6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider

3

**Case No. 27-CR-18-18391****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-18-18391\_Finding of Incompetency and Order\_2024-03-20\_20240430092713.pdf

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**Case No. 27-CR-18-26530****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-18-26530\_Finding of Incompetency and Order\_2023-05-24\_20240430093352.pdf

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**Case No. 27-CR-18-18391****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-18-18391\_Finding of Incompetency and Order\_2023-06-06\_20240430092721.pdf

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this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is December 5, 2023. One

**Case No. 27-CR-18-18391****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

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to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 2, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Atif Khan, Assistant Hennepin County Public Defender (atif.khan@hennepin.us);
  - c. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);

**Case No. 27-CR-18-26530****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-18-26530\_Finding of Incompetency and Order\_2023-05-24\_20240430093352.pdf

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information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 21, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

**Case No. 27-CR-18-18391****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-18-18391\_Finding of Incompetency and Order\_2023-06-06\_20240430092721.pdf

File Hash: 05785612ec5b460be5e05aa3fa1ec0099ff2ae8157cd89a71bb8cb45c3ed13fb

Page: 5 of 5

week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Evan Powell, Assistant Hennepin County Attorney – Criminal Division;
- c. Atif Kahn, Assistant Hennepin County Public Defender
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-18-18391****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-18-18391\_Finding of Incompetency and Order\_2024-03-20\_20240430092713.pdf

File Hash: e6a7dcac0f2181949efccdb17f15d6a49deea379dd40c6bdd97538049c19b878

Page: 5 of 5

d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-18-26530****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-18-26530\_Finding of Incompetency and Order\_2023-05-24\_20240430093352.pdf

File Hash: d9595a6e9de76ec6f9a99288d175c4caa3cff209c2a54b8e32a68c6307aebd6b

Page: 5 of 5

a. Fourth Judicial District Court – 4thCriminalRule20 email list;

- b. Peter Martin, Attorney for Defendant;

c. Natasha Yenina, Assistant Hennepin County Attorney;

d. Karen Mara, Minneapolis City Attorney;

e. Patrick Leach, Edina City Attorney;

- f. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

**Case No. 27-CR-19-1916****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-1916\_Finding of Incompetency and Order\_2023-06-06\_20240430091213.pdf

File Hash: 9785b0b1c51af5979af7f20229cdfebd3add7ec702a0111cefef8c420e3d2

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**State of Minnesota,  
Plaintiff,vs.  
Aesha Ibrahim Osman,  
Defendant.Court File No. 27-CR-18-18391, 27-CR-19-  
1916, 27-CR-19-3539, 27-CR-19-17539, 27-  
CR-21-22058**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on June 6, 2023. The hearing was held remotely using the Zoom internet platform. Chris Freeman, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 09/13/1998), was charged in MNCIS file 27-CR-18-18391 with Assault 5<sup>th</sup> Degree-2 (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault-5<sup>th</sup> Degree (Felony) and Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS file 27-CR-19-17539 with Assault-5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; and in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021. In the latter case, on December 1, 2022, Judge Nicole Engisch found probable cause to believe that the offense was committed and that Defendant committed it.
- On April 4, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

**Case No. 27-CR-19-1916****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-1916\_Finding of Incompetency and Order\_2024-03-20\_20240430091206.pdf

File Hash: b0948fb92191efdc5a4e9a0add42a5504fdb8f0c321a5c10d8adfd2465d6aab

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**State of Minnesota,  
Plaintiff,vs.  
Aesha Ibrahim Osman,  
Defendant.Court File No. 27-CR-18-18391; 27-CR-19-  
1916; 27-CR-19-3539; 27-CR-19-17539; 27-  
CR-21-22058; 27-CR-23-22062; 27-CR-24-  
4893**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 19, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 09/03/1998), was charged in MNCIS file 27-CR-18-18391 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault – 5<sup>th</sup> Degree (Felony) and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS file 27-CR-19-17539 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; and in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021; in MNCIS file 27-CR-23-22062 with Assault – 2<sup>nd</sup> Degree (Felony), Burglary – 1<sup>st</sup> Degree (Felony), and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 27, 2023; and in MNCIS file 27-CR-24-4893 with Assault – 4<sup>th</sup> Degree (Felony), Assault – 4<sup>th</sup> Degree (Felony), and Assault – 5<sup>th</sup> Degree (Misdemeanor) arising from an incident alleged to have occurred on February 27, 2024.

**Case No. 27-CR-19-3539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-3539\_Finding of Incompetency and Order\_2023-06-06\_20240430091325.pdf

File Hash: db9770f9cd6440b76f45ae00c6fd058f840123b1b7053b928dc436f895fc37ef

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**State of Minnesota,  
Plaintiff,vs.  
Aesha Ibrahim Osman,  
Defendant.Court File No. 27-CR-18-18391, 27-CR-19-  
1916, 27-CR-19-3539, 27-CR-19-17539, 27-  
CR-21-22058**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on June 6, 2023. The hearing was held remotely using the Zoom internet platform. Chris Freeman, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 09/13/1998), was charged in MNCIS file 27-CR-18-18391 with Assault 5<sup>th</sup> Degree-2 (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault-5<sup>th</sup> Degree (Felony) and Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS file 27-CR-19-17539 with Assault-5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; and in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021. In the latter case, on December 1, 2022, Judge Nicole Engisch found probable cause to believe that the offense was committed and that Defendant committed it.
- On April 4, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

**Case No. 27-CR-19-1916****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-1916\_Finding of Incompetency and Order\_2023-06-06\_20240430091213.pdf

File Hash: 9785b0b1c51af5979af7f20229cdfeb3add7ec702a0111cefef8c420e3d2

Page: 2 of 5

3. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Evan Powell, Assistant Hennepin County Attorney – Criminal Division;  
Atif Kahn, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

**Case No. 27-CR-19-1916****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-1916\_Finding of Incompetency and Order\_2024-03-20\_20240430091206.pdf

File Hash: b0948fb92191efdc5a4e9a0add42a5504fdb8f0c321a5c10d8adfd2465d6aab

Page: 2 of 5

2. The Court previously entered a finding of incompetent to stand trial in each of the referenced cases.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Evan Powell, Assistant Hennepin County Attorney – Criminal Division;  
Atif Khan, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

**Case No. 27-CR-19-3539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-3539\_Finding of Incompetency and Order\_2023-06-06\_20240430091325.pdf

File Hash: db9770f9cd6440b76f45ae00c6fd058f840123b1b7053b928dc436f895fc37ef

Page: 2 of 5

3. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

4. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Evan Powell, Assistant Hennepin County Attorney – Criminal Division;  
Atif Kahn, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

**Case No. 27-CR-19-1916****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-1916\_Finding of Incompetency and Order\_2023-06-06\_20240430091213.pdf

File Hash: 9785b0b1c51af5979af7f20229cdfeb3add7ec702a0111cefef8c420e3d2

Page: 3 of 5

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of

**Case No. 27-CR-19-1916****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-1916\_Finding of Incompetency and Order\_2024-03-20\_20240430091206.pdf

File Hash: b0948fb92191efdc5a4e9a0add42a5504fdb8f0c321a5c10d8adfd2465d6aab

Page: 3 of 5

**Case No. 27-CR-19-3539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-3539\_Finding of Incompetency and Order\_2023-06-06\_20240430091325.pdf

File Hash: db9770f9cd6440b76f45ae00c6fd058f840123b1b7053b928dc436f895fc37ef

Page: 3 of 5

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of

**Case No. 27-CR-19-1916****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-1916\_Finding of Incompetency and Order\_2023-06-06\_20240430091213.pdf

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this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is December 5, 2023. One

**Case No. 27-CR-19-1916****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-1916\_Finding of Incompetency and Order\_2024-03-20\_20240430091206.pdf

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Page: 4 of 5

**Case No. 27-CR-19-3539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-3539\_Finding of Incompetency and Order\_2023-06-06\_20240430091325.pdf

File Hash: db9770f9cd6440b76f45ae00c6fd058f840123b1b7053b928dc436f895fc37ef

Page: 4 of 5

this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is December 5, 2023. One

**Case No. 27-CR-19-1916****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-1916\_Finding of Incompetency and Order\_2023-06-06\_20240430091213.pdf

File Hash: 9785b0b1c51af5979af7f20229cddfebd3add7ec702a0111cefef8c420e3d2

Page: 5 of 5

week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Evan Powell, Assistant Hennepin County Attorney – Criminal Division;
- c. Atif Kahn, Assistant Hennepin County Public Defender
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-19-1916****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-1916\_Finding of Incompetency and Order\_2024-03-20\_20240430091206.pdf

File Hash: b0948fb92191efdc5a4e9a0add42a5504fdb8f0c321a5c10d8adfd2465d6aab

Page: 5 of 5

d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-19-3539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-3539\_Finding of Incompetency and Order\_2023-06-06\_20240430091325.pdf

File Hash: db9770f9cd6440b76f45ae00c6fd058f840123b1b7053b928dc436f895fc37ef

Page: 5 of 5

week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Evan Powell, Assistant Hennepin County Attorney – Criminal Division;
- c. Atif Kahn, Assistant Hennepin County Public Defender
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

**Case No. 27-CR-19-3539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-3539\_Finding of Incompetency and Order\_2024-03-20\_20240430091319.pdf

File Hash: 5862814dc354c6571c074570874529b3c1a080a3bdae761c1b157798ccf1b49

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Aesha Ibrahim Osman,  
Defendant.

Court File No. 27-CR-18-18391; 27-CR-19-1916; 27-CR-19-3539; 27-CR-19-17539; 27-CR-21-22058; 27-CR-23-22062; 27-CR-24-4893

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 19, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 09/03/1998), was charged in MNCIS file 27-CR-18-18391 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault – 5<sup>th</sup> Degree (Felony) and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS 27-CR-19-17539 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021; in MNCIS file 27-CR-23-22062 with Assault – 2<sup>nd</sup> Degree (Felony), Burglary – 1<sup>st</sup> Degree (Felony), and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 27, 2023; and in MNCIS file 27-CR-24-4893 with Assault – 4<sup>th</sup> Degree (Felony), Assault – 4<sup>th</sup> Degree (Felony), and Assault – 5<sup>th</sup> Degree (Misdemeanor) arising from an incident alleged to have occurred on February 27, 2024.

**Case No. 27-CR-19-9270****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-19-9270\_Finding of Incompetency and Order\_2023-05-24\_20240430091450.pdf

File Hash: 56a893095b50e424f546e8c885090e281afdd36ee24508faf4b7468044a4b88a

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
William Lee Nabors,  
Defendant.

Court File No. 27-CR-18-26530, 27-CR-19-9270, 27-CR-20-1053, 27-CR-22-3553

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on May 23, 2023. The hearing was held remotely using the Zoom internet platform. Thomas Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 12/10/1970), was convicted in MNCIS file 27-CR-18-26530 with Trespass (Gross Misdemeanor). Defendant was charged in MNCIS file 27-CR-19-9270 with Transit-Obstruct/Interfere with Operation of Vehicle (Gross Misdemeanor) arising from an incident alleged to have occurred on April 21, 2019; in MNCIS file 27-CR-20-1053 with Theft (Misdemeanor) arising from an incident alleged to have occurred on January 11, 2020; and in MNCIS file 27-CR-22-3553 with 1<sup>st</sup> Degree Assault (Felony) and 3<sup>rd</sup> Degree Assault (Felony) arising from an incident alleged to have occurred on February 22, 2022. In the latter case, on April 20, 2023, Judge Askalani found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On April 20, 2023, Judge Askalani ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-19-12466****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-19-12466\_Finding of Incompetency and Order\_2024-03-12\_20240430091809.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Terrell Johnson,  
Defendant.

Court File No. 27-CR-19-12466; 27-CR-19-1906; 27-CR-20-8926; 27-CR-20-20037; 27-CR-21-19552; 27-CR-21-23233; 27-CR-22-1165; 27-CR-22-4898; 27-CR-23-8649; 27-CR-23-25563

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 08/28/1979), was charged in MNCIS file 27-CR-19-12466 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on May 28, 2019; in MNCIS file 27-CR-19-19606 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on August 12, 2019; in MNCIS file 27-CR-20-8926 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 2, 2020; in MNCIS file 27-CR-20-20037 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 6, 2019; in MNCIS file 27-CR-21-19552 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 12, 2021; in MNCIS file 27-CR-21-23233 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on December 17, 2021; in MNCIS file 27-CR-22-1165 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on October 9, 2021; in MNCIS file 27-CR-22-4898 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 15, 2022; in MNCIS file 27-CR-23-8649 with Domestic Assault (Gross Misdemeanor) arising

**Case No. 27-CR-19-3539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-3539\_Finding of Incompetency and Order\_2024-03-20\_20240430091319.pdf

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2. The Court previously entered a finding of incompetent to stand trial in each of the referenced cases.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Atif Khan, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

**Case No. 27-CR-19-9270****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-19-9270\_Finding of Incompetency and Order\_2023-05-24\_20240430091450.pdf

File Hash: 56a893095b50e424f546e8c885090e281afdd36ee24508faf4b7468044a4b88a

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4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Natasha Yenina, Assistant Hennepin County Attorney – Criminal Division;

Karen Mara, Minneapolis City Attorney;

Patrick Leach, Edina City Attorney;

Peter Martin, Attorney for Defendant

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

**Case No. 27-CR-19-12466****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-19-12466\_Finding of Incompetency and Order\_2024-03-12\_20240430091809.pdf

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from incident alleged to have occurred on April 25, 2023; and in MNCIS file 27-CR-23-25563 with Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on November 29, 2023. In the former case, on December 6, 2023, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On December 6, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Kacy Wothe, Assistant Hennepin County Attorney – Criminal Division;

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Minneapolis City Attorney;

Laura Prahla, Assistant Hennepin County Public Defender

**Case No. 27-CR-19-3539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-3539\_Finding of Incompetency and Order\_2024-03-20\_20240430091319.pdf

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Page: 3 of 5

maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider

**Case No. 27-CR-19-9270****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-19-9270\_Finding of Incompetency and Order\_2023-05-24\_20240430091450.pdf

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Page: 3 of 5

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all

**Case No. 27-CR-19-12466****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-19-12466\_Finding of Incompetency and Order\_2024-03-12\_20240430091809.pdf

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4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all

**Case No. 27-CR-19-3539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-3539\_Finding of Incompetency and Order\_2024-03-20\_20240430091319.pdf

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to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 2, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Atif Khan, Assistant Hennepin County Public Defender (atif.khan@hennepin.us);
  - c. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);

**Case No. 27-CR-19-9270****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-19-9270\_Finding of Incompetency and Order\_2023-05-24\_20240430091450.pdf

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Page: 4 of 5

information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 21, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

**Case No. 27-CR-19-12466****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-19-12466\_Finding of Incompetency and Order\_2024-03-12\_20240430091809.pdf

File Hash: 29c47dff62ee3e55655a13e3aff06a2a3c47699f73cf8d784f73866119acf2

Page: 4 of 5

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Laura Prahl, Assistant Hennepin County Public Defender (laura.prahl@hennepin.us);
  - c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
  - d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
  - e. Minneapolis City Attorney;
  - f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-19-3539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-3539\_Finding of Incompetency and Order\_2024-03-20\_20240430091319.pdf

File Hash: 5862814dc354c6571c074570874529b3c1a080a3bdae761c1b157798cc6f1b49

Page: 5 of 5

- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-19-9270****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-19-9270\_Finding of Incompetency and Order\_2023-05-24\_20240430091450.pdf

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Page: 5 of 5

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Peter Martin, Attorney for Defendant;
- c. Natasha Yenina, Assistant Hennepin County Attorney;
- d. Karen Mara, Minneapolis City Attorney;
- e. Patrick Leach, Edina City Attorney;
- f. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-19-12466****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-19-12466\_Finding of Incompetency and Order\_2024-03-12\_20240430091809.pdf

File Hash: 29c47dff62ee3e55655a13e3aff06a2a3c47699f73cf8d784f73866119acf2

Page: 5 of 5

- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

Mercurio, Danielle

Mar 21 2024 2:26 PM

Referee of District Court

**BY THE COURT:**

Browne, Michael

Mar 21 2024 3:04 PM

Judge of District Court

**Case No. 27-CR-19-17539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-17539\_Finding of Incompetency and Order\_2023-06-06\_20240430091932.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**State of Minnesota,  
Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

Court File No. 27-CR-18-18391, 27-CR-19-1916, 27-CR-19-3539, 27-CR-19-17539, 27-CR-21-22058

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on June 6, 2023. The hearing was held remotely using the Zoom internet platform. Chris Freeman, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 09/13/1998), was charged in MNCIS file 27-CR-18-18391 with Assault 5<sup>th</sup> Degree-2 (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault-5<sup>th</sup> Degree (Felony) and Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS file 27-CR-19-17539 with Assault-5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; and in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021. In the latter case, on December 1, 2022, Judge Nicole Engisch found probable cause to believe that the offense was committed and that Defendant committed it.
- On April 4, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

**Case No. 27-CR-19-17539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-17539\_Finding of Incompetency and Order\_2024-03-20\_20240430091924.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

Court File No. 27-CR-18-18391; 27-CR-19-1916; 27-CR-19-3539; 27-CR-19-17539; 27-CR-21-22058; 27-CR-23-22062; 27-CR-24-4893

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 19, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 09/03/1998), was charged in MNCIS file 27-CR-18-18391 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault – 5<sup>th</sup> Degree (Felony) and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS file 27-CR-19-17539 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; and in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021; in MNCIS file 27-CR-23-22062 with Assault – 2<sup>nd</sup> Degree (Felony), Burglary – 1<sup>st</sup> Degree (Felony), and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 27, 2023; and in MNCIS file 27-CR-24-4893 with Assault – 4<sup>th</sup> Degree (Felony), Assault – 4<sup>th</sup> Degree (Felony), and Assault – 5<sup>th</sup> Degree (Misdemeanor) arising from an incident alleged to have occurred on February 27, 2024.

**Case No. 27-CR-19-19606****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-19-19606\_Finding of Incompetency and Order\_2024-03-12\_20240430092030.pdf

File Hash: d5322593fa721c9d530e6b170b6872db2d8e65d6cee5ab4ffd6872767a53d09e

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Terrell Johnson,

Defendant.

Court File No. 27-CR-19-12466; 27-CR-19-1906; 27-CR-20-8926; 27-CR-20-20037; 27-CR-21-19552; 27-CR-21-23233; 27-CR-22-1165; 27-CR-22-4898; 27-CR-23-8649; 27-CR-23-25563

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 08/28/1979), was charged in MNCIS file 27-CR-19-12466 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on May 28, 2019; in MNCIS file 27-CR-19-19606 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on August 12, 2019; in MNCIS file 27-CR-20-8926 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 2, 2020; in MNCIS file 27-CR-20-20037 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 6, 2019; in MNCIS file 27-CR-21-19552 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 12, 2021; in MNCIS file 27-CR-21-23233 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on December 17, 2021; in MNCIS file 27-CR-22-1165 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on October 9, 2021; in MNCIS file 27-CR-22-4898 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 15, 2022; in MNCIS file 27-CR-23-8649 with Domestic Assault (Gross Misdemeanor) arising

**Case No. 27-CR-19-17539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-17539\_Finding of Incompetency and Order\_2023-06-06\_20240430091932.pdf

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3. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Atif Kahn, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

**Case No. 27-CR-19-17539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

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2. The Court previously entered a finding of incompetent to stand trial in each of the referenced cases.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Evan Powell, Assistant Hennepin County Attorney – Criminal Division;  
Atif Khan, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

**Case No. 27-CR-19-19606****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-19-19606\_Finding of Incompetency and Order\_2024-03-12\_20240430092030.pdf

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Page: 2 of 5

from incident alleged to have occurred on April 25, 2023; and in MNCIS file 27-CR-23-25563 with Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on November 29, 2023. In the former case, on December 6, 2023, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On December 6, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Kacy Wothe, Assistant Hennepin County Attorney – Criminal Division;  
Evan Powell, Assistant Hennepin County Attorney – Criminal Division;  
Minneapolis City Attorney;  
Laura Prahla, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-19-17539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-17539\_Finding of Incompetency and Order\_2023-06-06\_20240430091932.pdf

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Page: 3 of 5

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider

**Case No. 27-CR-19-17539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-17539\_Finding of Incompetency and Order\_2024-03-20\_20240430091924.pdf

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**Case No. 27-CR-19-19606****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

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Page: 3 of 5

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider

**Case No. 27-CR-19-17539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-17539\_Finding of Incompetency and Order\_2023-06-06\_20240430091932.pdf

File Hash: 9aa8d42055bdaf01a8011b2acfbc2c369922de0e83cddd41f4c0902f103903525

Page: 4 of 5

this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is December 5, 2023. One

**Case No. 27-CR-19-17539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-17539\_Finding of Incompetency and Order\_2024-03-20\_20240430091924.pdf

File Hash: 84d8f85e7ef57fc96daffb725936feb053b9095618a4577c891d9397b44ff571

Page: 4 of 5

to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 2, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Laura Prahl, Assistant Hennepin County Public Defender (laura.prahl@hennepin.us);
  - c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
  - d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
  - e. Minneapolis City Attorney;
  - f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-19-19606****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-19-19606\_Finding of Incompetency and Order\_2024-03-12\_20240430092030.pdf

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Page: 4 of 5

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Laura Prahl, Assistant Hennepin County Public Defender (laura.prahl@hennepin.us);
  - c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
  - d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
  - e. Minneapolis City Attorney;
  - f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-19-17539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-19-17539\_Finding of Incompetency and Order\_2023-06-06\_20240430091932.pdf

File Hash: 9aa8d42055bdaf01a8011b2acfbc369922de0e83cddd41f4c0902f103903525

Page: 5 of 5

week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Evan Powell, Assistant Hennepin County Attorney – Criminal Division;
- c. Atif Kahn, Assistant Hennepin County Public Defender
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-19-17539****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-19-17539\_Finding of Incompetency and Order\_2024-03-20\_20240430091924.pdf

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d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-19-19606****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-19-19606\_Finding of Incompetency and Order\_2024-03-12\_20240430092030.pdf

File Hash: d5322593fa721c9d530e6b170b6872db2d8e65d6cee5ab4ffd6872767a53d09e

Page: 5 of 5

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

Mercurio, Danielle  
Mar 21 2024 2:26 PM  
Referee of District Court

**BY THE COURT:**

Browne, Michael  
Mar 21 2024 3:04 PM  
Judge of District Court

**Case No. 27-CR-20-6517****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-20-6517\_Finding of Incompetency and Order\_2023-03-08\_20240430085208.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-6517, 27-CR-21-  
23131, 27-CR-22-24627

Plaintiff,

vs.  
Rex Allen Basswood, Jr.,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on March 7, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Chelsea Knutson, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 07/19/1989), was charged in MNCIS file 27-CR-20-6517 with Theft (Felony) arising from an incident alleged to have occurred on 02/06/2020; in MNCIS file 27-CR-21-23131 with Theft (Felony) arising from an incident alleged to have occurred on 12/14/2021; and in MNCIS file 27-CR-22-24627 with Simple Robbery (Felony) arising from an incident alleged to have occurred on 11/08/2022.
2. On 12/30/2022, Judge Michael Browne ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-20-8575****State of MN vs Bisharo Jama Noor**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-24**

MCRO\_27-CR-20-8575\_Finding of Incompetency and Order\_2023-04-24\_20240430085346.pdf

File Hash: efa929b0519c692890ffa96eac37fc5933aa403c40b5a0fe4f8e94e3d8f4c9cb

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-8575;  
27-CR-21-7676

Plaintiff,

vs.  
Bisharo Jama Noor,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on April 11, 2023. The hearing was held remotely using the Zoom internet platform. Thomas Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, on behalf of Atif Khan, Assistant Hennepin County Public Defender. Sahil Kahin, Court Interpreter, Somali Language was also present.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 01/01/1988) was charged in MNCIS file 27-CR-20-8575 with 2<sup>nd</sup> Degree Assault (Felony) arising from an incident alleged to have occurred on April 2, 2020; and MNCIS file 27-CR-21-7676 with Malicious Punishment of a Child (Gross Misdemeanor) arising from an incident alleged to have occurred on January 16, 2021. On February 16, 2023, Judge Hilary Caligiuri found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On February 16, 2023, Judge Hilary Caligiuri ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. John R. Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. John R. Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to

**Case No. 27-CR-20-8926****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-20-8926\_Finding of Incompetency and Order\_2024-03-12\_20240430085426.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-19-12466; 27-CR-19-  
19606; 27-CR-20-8926; 27-CR-20-20037; 27-  
CR-21-19552; 27-CR-21-23233; 27-CR-22-  
1165; 27-CR-22-4898; 27-CR-23-8649; 27-  
CR-23-25563

Plaintiff,

vs.  
Terrell Johnson,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 08/28/1979), was charged in MNCIS file 27-CR-19-12466 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on May 28, 2019; in MNCIS file 27-CR-19-19606 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on August 12, 2019; in MNCIS file 27-CR-20-8926 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 2, 2020; in MNCIS file 27-CR-20-20037 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 6, 2019; in MNCIS file 27-CR-21-19552 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 12, 2021; in MNCIS file 27-CR-21-23233 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on December 17, 2021; in MNCIS file 27-CR-22-1165 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on October 9, 2021; in MNCIS file 27-CR-22-4898 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 15, 2022; in MNCIS file 27-CR-23-8649 with Domestic Assault (Gross Misdemeanor) arising

**Case No. 27-CR-20-6517****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-20-6517\_Finding of Incompetency and Order\_2023-03-08\_20240430085208.pdf

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**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Daniel Provencher, Assistant Hennepin County Attorney – Criminal Division;

Chelsea Knutson, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.

5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation

**Case No. 27-CR-20-8575****State of MN vs Bisharo Jana Noor**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-24**

MCRO\_27-CR-20-8575\_Finding of Incompetency and Order\_2023-04-24\_20240430085346.pdf

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rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charge.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Christopher Nippoldt, Assistant Hennepin County Attorney – Criminal Division;

Atif Khan, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.

5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

**Case No. 27-CR-20-8926****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-20-8926\_Finding of Incompetency and Order\_2024-03-12\_20240430085426.pdf

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from incident alleged to have occurred on April 25, 2023; and in MNCIS file 27-CR-23-25563 with Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on November 29, 2023. In the former case, on December 6, 2023, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On December 6, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.

2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Kacy Wothe, Assistant Hennepin County Attorney – Criminal Division;

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Minneapolis City Attorney;

Laura Prahl, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-20-6517****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-20-6517\_Finding of Incompetency and Order\_2023-03-08\_20240430085208.pdf

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agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

**Case No. 27-CR-20-8575****State of MN vs Bisharo Jana Noor**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-24**

MCRO\_27-CR-20-8575\_Finding of Incompetency and Order\_2023-04-24\_20240430085346.pdf

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Page: 3 of 5

maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

**Case No. 27-CR-20-8926****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-20-8926\_Finding of Incompetency and Order\_2024-03-12\_20240430085426.pdf

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4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

**Case No. 27-CR-20-6517****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-20-6517\_Finding of Incompetency and Order\_2023-03-08\_20240430085208.pdf

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Page: 4 of 5

may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 5, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Chelsea Knutson, Assistant Hennepin County Public Defender;
- c. Daniel Provencher, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-20-8575****State of MN vs Bisharo Jana Noor**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-24**

MCRO\_27-CR-20-8575\_Finding of Incompetency and Order\_2023-04-24\_20240430085346.pdf

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Page: 4 of 5

to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 10, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Atif Khan, Assistant Hennepin County Public Defender;
- c. Christopher Nippoldt, Assistant Hennepin County Attorney;

**Case No. 27-CR-20-8926****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-20-8926\_Finding of Incompetency and Order\_2024-03-12\_20240430085426.pdf

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10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Laura Prahl, Assistant Hennepin County Public Defender (laura.prahl@hennepin.us);
- c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
- d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
- e. Minneapolis City Attorney;
- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-20-6517****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-20-6517\_Finding of Incompetency and Order\_2023-03-08\_20240430085208.pdf

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Page: 5 of 5

e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court

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**Case No. 27-CR-20-8575****State of MN vs Bisharo Jama Noor**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-24**

MCRO\_27-CR-20-8575\_Finding of Incompetency and Order\_2023-04-24\_20240430085346.pdf

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Page: 5 of 5

d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court

5

**Case No. 27-CR-20-8926****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-20-8926\_Finding of Incompetency and Order\_2024-03-12\_20240430085426.pdf

File Hash: 47d6655754049f171ff59a3f5e6b098084662b12f06a5e1fed9b31d361fa43ac

Page: 5 of 5

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

Mercurio, Danielle  
Mar 21 2024 2:26 PM

Referee of District Court

**BY THE COURT:**

Browne, Michael  
Mar 21 2024 3:04 PM

Judge of District Court

5

**Case No. 27-CR-20-19196****State of MN vs ABDIRAHMAN ISMAIL FARAH**

Filing Type: ·Finding of Incompetency and Order·

Filing Date: **2023-06-01**

MCRO\_27-CR-20-19196\_Finding of Incompetency and Order\_2023-06-01\_20240430090046.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Abdirahman Ismail Farah  
a/k/a Abdi Salah Farah,  
Defendant.

Court File No. 27-CR-16-6572, 27-CR-20-9699, 27-CR-20-18933, 27-CR-20-19196, 27-CR-20-19631, 27-CR-20-19797, 27-CR-22-7940, 27-CR-22-24372

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on May 30, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistance Minneapolis City Attorney, represented plaintiff. Defendant appeared out of custody and was represented by Alicia Granse, Assistant Hennepin County Public Defender. Also present was Rahma Abdi, Somali Court Interpreter.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 01/01/1998), was charged in MNCIS file 27-CR-16-6572 with Disorderly Conduct (Misdemeanor) arising from an incident alleged to have occurred on February 29, 2016; in MNCIS file 27-CR-20-9699 with Theft (Felony) arising from an incident alleged to have occurred on September 9, 2019; in MNCIS file 27-CR-20-18933 with Financial Transaction Card Fraud (Felony) arising from an incident alleged to have occurred on December 23, 2019; in MNCIS file 27-CR-20-19196 with Theft (Gross Misdemeanor) arising from an incident alleged to have occurred on September 2, 2020; in MNCIS file 27-CR-20-19631 with Fleeing a Peace Officer in a Motor Vehicle (Felony) and Receiving Stolen Property (Felony) arising from an incident alleged to have occurred on September 9, 2020; in MNCIS file 27-CR-20-19797 with Simple Robbery (Felony) arising from an incident alleged to have occurred on August 29, 2020; in MNCIS file 27-CR-22-7940 with Theft (Felony) arising from

**Case No. 27-CR-20-20037****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order·

Filing Date: **2024-03-12**

MCRO\_27-CR-20-20037\_Finding of Incompetency and Order\_2024-03-12\_20240430090128.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Terrell Johnson,

Defendant.

Court File No. 27-CR-19-12466; 27-CR-19-19606; 27-CR-20-8926; 27-CR-20-20037; 27-CR-21-19552; 27-CR-21-23233; 27-CR-22-1165; 27-CR-22-4898; 27-CR-23-8649; 27-CR-23-25563

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender. Also present was Rahma Abdi, Somali Court Interpreter.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 08/28/1979), was charged in MNCIS file 27-CR-19-12466 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on May 28, 2019; in MNCIS file 27-CR-19-19606 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on August 12, 2019; in MNCIS file 27-CR-20-8926 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 2, 2020; in MNCIS file 27-CR-20-20037 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 6, 2019; in MNCIS file 27-CR-21-19552 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 12, 2021; in MNCIS file 27-CR-21-23233 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on December 17, 2021; in MNCIS file 27-CR-22-1165 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on October 9, 2021; in MNCIS file 27-CR-22-4898 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 15, 2022; in MNCIS file 27-CR-23-8649 with Domestic Assault (Gross Misdemeanor) arising

**Case No. 27-CR-21-1171****State of MN vs IBSSA M YOUSSEUF**

Filing Type: ·Finding of Incompetency and Order·

Filing Date: **2023-05-02**

MCRO\_27-CR-21-1171\_Finding of Incompetency and Order\_2023-05-02\_20240430075317.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Issa M Youssuf,  
Defendant.

Court File No. 27-CR-21-1171  
**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender. Meti Moussisa, Oromo Interpreter, provided interpreting services for the Defendant.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 09/22/1983), was charged in MNCIS file 27-CR-21-1171 with 1<sup>st</sup> Degree Aggravated Robbery and 2<sup>nd</sup> Degree Assault (Felonies) arising from an incident alleged to have occurred on January 15, 2021. On March 27, 2023, Judge Jay Quam found probable cause to believe that the offense(s) were committed and that Defendant committed them.
- On March 27, 2023, Judge Jay Quam ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Megan Paris, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Megan Paris, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability

**Case No. 27-CR-20-19196****State of MN vs ABDIRAHMAN ISMAIL FARAH**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

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Page: 2 of 5

an incident alleged to have occurred on April 23, 2022; and in MNCIS file 27-CR-22-24372 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on December 6, 2022. On April 20, 2021, Judge Daniel Moreno found probable cause in MNCIS file 27-CR-20-19797 to believe that the offense was committed and that Defendant committed it.

2. On March 28, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Nicholas Nathaniel Summers, Assistant Hennepin County Attorney – Criminal Division;  
Daniel Provencher, Assistant Hennepin County Attorney – Criminal Division;  
John-Mark Halstead, Assistant Hennepin County Attorney – Criminal Division;  
Alicia Granse, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-20-20037****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-20-20037\_Finding of Incompetency and Order\_2024-03-12\_20240430090128.pdf

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Page: 2 of 5

from incident alleged to have occurred on April 25, 2023; and in MNCIS file 27-CR-23-25563 with Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on November 29, 2023. In the former case, on December 6, 2023, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On December 6, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Kacy Wothe, Assistant Hennepin County Attorney – Criminal Division;  
Evan Powell, Assistant Hennepin County Attorney – Criminal Division;  
Minneapolis City Attorney;  
Laura Prahl, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-21-1171****State of MN vs IBSSA M YOUSSEF**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-1171\_Finding of Incompetency and Order\_2023-05-02\_20240430075317.pdf

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to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Christopher Filipski, Assistant Hennepin County Attorney – Criminal Division;  
Lynne McMullen, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical

**Case No. 27-CR-20-19196****State of MN vs ABDIRAHMAN ISMAIL FARAH**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-20-19196\_Finding of Incompetency and Order\_2023-06-01\_20240430090046.pdf

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4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

**Case No. 27-CR-20-20037****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-20-20037\_Finding of Incompetency and Order\_2024-03-12\_20240430090128.pdf

File Hash: 2af3a72ddcc0acd7912d82c995c4548a4290cd1351e34580ce2475b6eff09eff

Page: 3 of 5

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

**Case No. 27-CR-21-1171****State of MN vs IBSSA M YOUSSEF**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-1171\_Finding of Incompetency and Order\_2023-05-02\_20240430075317.pdf

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Page: 3 of 5

dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received

**Case No. 27-CR-20-19196****State of MN vs ABDIRAHMAN ISMAIL FARAH**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-20-19196\_Finding of Incompetency and Order\_2023-06-01\_20240430090046.pdf

File Hash: f8fc2e95a8cddaf78c1be0aee41f5e587a4e66597f413401ad09357bbcef3ce

Page: 4 of 5

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 28, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Nicholas Nathaniel Summers, Assistant Hennepin County Attorney – Criminal Division;
- c. Daniel Provencher, Assistant Hennepin County Attorney – Criminal Division;
- d. John-Mark Halstead, Assistant Hennepin County Attorney – Criminal Division;
- e. Alicia Granse, Assistant Hennepin County Public Defender;
- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-20-20037****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-20-20037\_Finding of Incompetency and Order\_2024-03-12\_20240430090128.pdf

File Hash: 2af3a72ddcc0acd7912d82c995c4548a4290cd1351e34580ce2475b6eff09eff

Page: 4 of 5

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Laura Prahl, Assistant Hennepin County Public Defender (laura.prahl@hennepin.us);
- c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
- d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
- e. Minneapolis City Attorney;
- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-21-1171****State of MN vs IBSSA M YOUSSEF**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-1171\_Finding of Incompetency and Order\_2023-05-02\_20240430075317.pdf

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Page: 4 of 5

in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 31, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Christopher Filipski, Assistant Hennepin County Attorney – Criminal Division;
- c. Lynne McMullen, Assistant Hennepin County Public Defender;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-20-19196****State of MN vs ABDIRAHMAN ISMAIL FARAH**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-20-19196\_Finding of Incompetency and Order\_2023-06-01\_20240430090046.pdf

File Hash: f8fc2e95a8cddaf78c1be0aee41f5e587a4e66597f413401ad09357bbcef3ce

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g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-20-20037****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-20-20037\_Finding of Incompetency and Order\_2024-03-12\_20240430090128.pdf

File Hash: 2af3a72ddcc0acd7912d82c995c4548a4290cd1351e34580ce2475b6eff09eff

Page: 5 of 5

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

Mercurio, Danielle  
Mar 21 2024 2:26 PM

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Referee of District Court

Browne, Michael  
Mar 21 2024 3:04 PM

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Judge of District Court**Case No. 27-CR-21-1171****State of MN vs IBSSA M YOUSSEUF**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-1171\_Finding of Incompetency and Order\_2023-05-02\_20240430075317.pdf

File Hash: 10b70c7bb630b386b11af9c40aa51ce00e6f0991e7f2583847f469c8eb63d6cb

Page: 5 of 5

e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

**Case No. 27-CR-21-1980****State of MN vs GORDON EUGENE SHARP**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-1980\_Finding of Incompetency and Order\_2023-06-01\_20240430075958.pdf

File Hash: **dbc00b7a69b5d1303d372e13e90a8367cd569e7c9b178e651fcfc41320baf35**

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
27-CR-21-23188, 27-CR-21-23215, 27-CR-  
22-4087, 27-CR-22-22963, 27-CR-23-1752

**Gordon Eugene Sharp, Jr.,  
Defendant.**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on May 30, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 05/13/1988), was charged in MNCIS file 27-CR-21-1980 with Theft (Felony) arising from an incident alleged to have occurred on January 27, 2021; in MNCIS file 27-CR-21-20072 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on October 1, 2021; in MNCIS file 27-CR-21-20988 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on November 9, 2021; in MNCIS file 27-CR-21-21355 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred November 16, 2021; in MNCIS file 27-CR-21-23188 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 11, 2021; in MNCIS file 27-CR-21-23215 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 16, 2021; in MNCIS file 27-CR-22-4087 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 9, 2021; in MNCIS file 27-CR-22-22963 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on May 27, 2022; and in MNCIS file 27-CR-23-1752 with 4<sup>th</sup> Degree Damage to Property and Trespass (Misdemeanor) arising from an incident alleged to have occurred on

**Case No. 27-CR-21-6710****State of MN vs TEMEKA MICHELLE NICHOLS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-21-6710\_Finding of Incompetency and Order\_2024-03-12\_20240430080346.pdf

File Hash: **2130679a9ee0f7d9d1754da8df519cedd8ef6a8189fe56c6fdabf81d5c0cbc4c**

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Temeka Michelle Nichols,

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared in custody and was represented by Christine Irfanullah, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 03/25/1991), was charged in MNCIS file 27-CR-21-6710 with Assault – 4<sup>th</sup> Degree (Gross Misdemeanor) arising from an incident alleged to have occurred on April 2, 2021; in MNCIS file 27-CR-23-2795 with Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on February 3, 2023; in MNCIS file 27-CR-23-16856 with Assault – 5<sup>th</sup> Degree (Misdemeanor) arising from an incident alleged to have occurred on August 9, 2023; in MNCIS file 27-CR-23-19098 with Assault – 5<sup>th</sup> Degree (Misdemeanor) arising from an incident alleged to have occurred on September 7, 2023; and in MNCIS file 27-CR-24-3451 with Burglary – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on January 29, 2024. In the former case, on April 20, 2022, Judge Bev Benson found probable cause to believe that the offense was committed and that Defendant committed it.
- On February 9, 2024, Judge William Koch ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

**Case No. 27-CR-21-6904****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-6904\_Finding of Incompetency and Order\_2023-05-02\_20240430080456.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Lucas Patrick Kraskey,

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney and Megan Griffin, Attorney with the City of Minneapolis, represented the plaintiffs. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor – MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on

**Case No. 27-CR-21-1980****State of MN vs GORDON EUGENE SHARP**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-1980\_Finding of Incompetency and Order\_2023-06-01\_20240430075958.pdf

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Page: 2 of 5

January 22, 2023. On August 9, 2022, Judge Gina Brandt found probable cause to believe that the offenses were committed and that Defendant committed them.

2. On April 3, 2022, Judge Melissa Houghtaling ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Lauren A. Herbert, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Lauren A. Herbert, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.

2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;

Cory Strecker, Assistant Hennepin County Attorney – Criminal Division;

Hilary Minor, Assistant Hennepin County Attorney – Criminal Division;

Chase Myhran, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-21-6710****State of MN vs TEMEKA MICHELLE NICHOLS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-21-6710\_Finding of Incompetency and Order\_2024-03-12\_20240430080346.pdf

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Page: 2 of 5

3. Dr. Mallory Jorgenson, Ph.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Mallory Jorgenson, Ph.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Olivia Levinson, Assistant Hennepin County Attorney – Criminal Division;

Flavio Abreau, Minneapolis City Attorney;

Christine Irfanullah, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

**Case No. 27-CR-21-6904****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-6904\_Finding of Incompetency and Order\_2023-05-02\_20240430080456.pdf

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Page: 2 of 5

to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (GMD) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On March 28, 2023, Judge Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

3. Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Tom Arneson, Assistant Hennepin County Attorney – Criminal Division; and

**Case No. 27-CR-21-1980****State of MN vs GORDON EUGENE SHARP**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-1980\_Finding of Incompetency and Order\_2023-06-01\_20240430075958.pdf

File Hash: **dbcc00b7a69b5d1303d372e13e90a8367cd569e7c9b178e651fcfc41320baf35**

Page: 3 of 5

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

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**Case No. 27-CR-21-6710****State of MN vs TEMEKA MICHELLE NICHOLS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-21-6710\_Finding of Incompetency and Order\_2024-03-12\_20240430080346.pdf

File Hash: **2130679a9ee0f7d9d1754da8df519cedd8ef6a8189fe56c6fdabf81d5c0cbc4c**

Page: 3 of 5

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of

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**Case No. 27-CR-21-6904****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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Megan Griffin, City of Minneapolis Attorney

Susan Herlofsky, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.

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**Case No. 27-CR-21-1980****State of MN vs GORDON EUGENE SHARP**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-1980\_Finding of Incompetency and Order\_2023-06-01\_20240430075958.pdf

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Page: 4 of 5

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

**Case No. 27-CR-21-6710****State of MN vs TEMEKA MICHELLE NICHOLS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-21-6710\_Finding of Incompetency and Order\_2024-03-12\_20240430080346.pdf

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Page: 4 of 5

this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. One

**Case No. 27-CR-21-6904****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-6904\_Finding of Incompetency and Order\_2023-05-02\_20240430080456.pdf

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Page: 4 of 5

9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

**Case No. 27-CR-21-1980****State of MN vs GORDON EUGENE SHARP**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-1980\_Finding of Incompetency and Order\_2023-06-01\_20240430075958.pdf

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Page: 5 of 5

the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 28, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Chase Myhran, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Cory Strecker, Assistant Hennepin County Attorney;
- e. Hilary Minor, Assistant Hennepin County Attorney;
- f. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

BY THE COURT:

Referee of District Court

Judge of District Court

**Case No. 27-CR-21-6710****State of MN vs TEMEKA MICHELLE NICHOLS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-21-6710\_Finding of Incompetency and Order\_2024-03-12\_20240430080346.pdf

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Page: 5 of 5

week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Christine Irfanullah, Assistant Hennepin County Public Defender;
- c. Olivia Levinson, Assistant Hennepin County Attorney;
- d. Flavio Abreau, Minneapolis City Attorney;
- e. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

Mercuro, Danielle  
Mar 12 2024 3:30 PM

Referee of District Court

BY THE COURT:

Dayton Klein, Julia  
Mar 12 2024 4:02 PM

Judge of District Court

**Case No. 27-CR-21-6904****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-6904\_Finding of Incompetency and Order\_2023-05-02\_20240430080456.pdf

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Page: 5 of 5

conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 31, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Tom Arneson, Assistant Hennepin County Public Defender;
- c. Susan Herlofsky, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. Megan Griffin, City of Minneapolis Attorney; and
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

BY THE COURT:

Referee of District Court

Judge of District Court

**Case No. 27-CR-21-6904****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-21-6904\_Finding of Incompetency and Order\_2023-11-01\_20240430080453.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Lucas Patrick Kraskey,

Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-23-5751

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on October 31, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistant Minneapolis City Attorney, also represented the plaintiff. Defendant was represented by Andrew J. Reiland, II, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-21-7676****State of MN vs Bisharo Jama Noor**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-24**

MCRO\_27-CR-21-7676\_Finding of Incompetency and Order\_2023-04-24\_20240430080545.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,

vs.

Bisharo Jama Noor,

Court File No. 27-CR-20-8575;  
27-CR-21-7676

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

Defendant.

This matter came before the undersigned Judge of District Court on April 11, 2023. The hearing was held remotely using the Zoom internet platform. Thomas Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, on behalf of Atif Khan, Assistant Hennepin County Public Defender. Sahil Kahin, Court Interpreter, Somali Language was also present.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 01/01/1988) was charged in MNCIS file 27-CR-20-8575 with 2<sup>nd</sup> Degree Assault (Felony) arising from an incident alleged to have occurred on April 2, 2020; and MNCIS file 27-CR-21-7676 with Malicious Punishment of a Child (Gross Misdemeanor) arising from an incident alleged to have occurred on January 16, 2021. On February 16, 2023, Judge Hilary Caligiuri found probable cause to believe that the offenses were committed and that Defendant committed them.
- On February 16, 2023, Judge Hilary Caligiuri ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. John R. Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. John R. Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to

**Case No. 27-CR-21-8067****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,

vs.

Lucas Patrick Kraskey,

Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-22-21679, 27-CR-22-24045, 27-CR-23-385, 27-CR-23-5751, 27-CR-23-6188

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney and Megan Griffin, Attorney with the City of Minneapolis, represented the plaintiffs. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor – MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-21-6904****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-21-6904\_Finding of Incompetency and Order\_2023-11-01\_20240430080453.pdf

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23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; and in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023.

2. On August 22, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
Christopher Freeman, Assistant Hennepin County Attorney – Criminal Division;  
Heidi Johnston, Minneapolis City Attorney;  
Andrew Reiland, II, Assistant Hennepin County Public Defender

**Case No. 27-CR-21-7676****State of MN vs Bisharo Jana Noor**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-24**

MCRO\_27-CR-21-7676\_Finding of Incompetency and Order\_2023-04-24\_20240430080545.pdf

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rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charge.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
  
Christopher Nippoldt, Assistant Hennepin County Attorney – Criminal Division;  
Atif Khan, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

**Case No. 27-CR-21-8067****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-8067\_Finding of Incompetency and Order\_2023-05-02\_20240430080639.pdf

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to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (GMD) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On March 28, 2023, Judge Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Tom Arneson, Assistant Hennepin County Attorney – Criminal Division; and

**Case No. 27-CR-21-6904****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider

3

**Case No. 27-CR-21-7676****State of MN vs Bisharo Jama Noor**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-24**

MCRO\_27-CR-21-7676\_Finding of Incompetency and Order\_2023-04-24\_20240430080545.pdf

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**Case No. 27-CR-21-8067****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-8067\_Finding of Incompetency and Order\_2023-05-02\_20240430080639.pdf

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Megan Griffin, City of Minneapolis Attorney

Susan Herlofsky, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.

3

**Case No. 27-CR-21-6904****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-21-6904\_Finding of Incompetency and Order\_2023-11-01\_20240430080453.pdf

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to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 30, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Andrew Reiland, II, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Christopher Freeman, Assistant Hennepin County Attorney;
- e. Heidi Johnston, Minneapolis City Attorney;

**Case No. 27-CR-21-7676****State of MN vs Bisharo Jana Noor**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-24**

MCRO\_27-CR-21-7676\_Finding of Incompetency and Order\_2023-04-24\_20240430080545.pdf

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to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 10, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Atif Khan, Assistant Hennepin County Public Defender;
- c. Christopher Nippoldt, Assistant Hennepin County Attorney;

**Case No. 27-CR-21-8067****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-8067\_Finding of Incompetency and Order\_2023-05-02\_20240430080639.pdf

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9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended

**Case No. 27-CR-21-6904****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-21-7676****State of MN vs Bisharo Jama Noor**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-24**

MCRO\_27-CR-21-7676\_Finding of Incompetency and Order\_2023-04-24\_20240430080545.pdf

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- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-21-8067****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-8067\_Finding of Incompetency and Order\_2023-05-02\_20240430080639.pdf

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conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 31, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Tom Arneson, Assistant Hennepin County Public Defender;
- c. Susan Herlofsky, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. Megan Griffin, City of Minneapolis Attorney; and
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

**Case No. 27-CR-21-8067****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-21-8067\_Finding of Incompetency and Order\_2023-11-01\_20240430080635.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-23-5751

Lucas Patrick Kraskey,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on October 31, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistant Minneapolis City Attorney, also represented the plaintiff. Defendant was represented by Andrew J. Reiland, II, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-21-8227****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-22-21679, 27-CR-22-24045, 27-CR-23-385, 27-CR-23-5751, 27-CR-23-6188

Lucas Patrick Kraskey,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney and Megan Griffin, Attorney with the City of Minneapolis, represented the plaintiffs. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor – MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-21-8227****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-23-5751

Lucas Patrick Kraskey,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on October 31, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistant Minneapolis City Attorney, also represented the plaintiff. Defendant was represented by Andrew J. Reiland, II, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-21-8067****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; and in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023.

2. On August 22, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
 Christopher Freeman, Assistant Hennepin County Attorney – Criminal Division;  
 Heidi Johnston, Minneapolis City Attorney;  
 Andrew Reiland, II, Assistant Hennepin County Public Defender

**Case No. 27-CR-21-8227****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-8227\_Finding of Incompetency and Order\_2023-05-02\_20240430080732.pdf

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to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (GMD) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On March 28, 2023, Judge Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Tom Arneson, Assistant Hennepin County Attorney – Criminal Division; and

**Case No. 27-CR-21-8227****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; and in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023.

2. On August 22, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
 Christopher Freeman, Assistant Hennepin County Attorney – Criminal Division;  
 Heidi Johnston, Minneapolis City Attorney;  
 Andrew Reiland, II, Assistant Hennepin County Public Defender

**Case No. 27-CR-21-8067****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous

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**Case No. 27-CR-21-8227****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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3

Megan Griffin, City of Minneapolis Attorney

Susan Herlofsky, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous

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**Case No. 27-CR-21-8227****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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**Case No. 27-CR-21-8067****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-21-8067\_Finding of Incompetency and Order\_2023-11-01\_20240430080635.pdf

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to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 30, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Andrew Reiland, II, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Christopher Freeman, Assistant Hennepin County Attorney;
- e. Heidi Johnston, Minneapolis City Attorney;

**Case No. 27-CR-21-8227****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

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9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended

**Case No. 27-CR-21-8227****State of MN vs Lucas Patrick Kraskey**

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to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 30, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Andrew Reiland, II, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Christopher Freeman, Assistant Hennepin County Attorney;
- e. Heidi Johnston, Minneapolis City Attorney;

**Case No. 27-CR-21-8067****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-21-8227****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 31, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Tom Arneson, Assistant Hennepin County Public Defender;
- c. Susan Herlofsky, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. Megan Griffin, City of Minneapolis Attorney; and
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-21-8227****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court

**Case No. 27-CR-21-8228****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
22-24045, 27-CR-23-385, 27-CR-23-5751, 27-CR-23-6188

Lucas Patrick Kraskey,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistant Minneapolis City Attorney, also represented the plaintiff. Defendant was represented by Andrew J. Reiland, II, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor – MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged

**Case No. 27-CR-21-8228****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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File Hash: 396dee721d75f468df10c5ba263fb96577a8427436f57b80e9b73f3836214b7

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
27-CR-22-17300, 27-CR-22-21679, 27-CR-22-24045, 27-CR-23-385, 27-CR-23-5751, 27-CR-23-6188

Lucas Patrick Kraskey,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on October 31, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistant Minneapolis City Attorney, also represented the plaintiff. Defendant was represented by Andrew J. Reiland, II, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor – MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-21-8229****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-22-21679, 27-CR-22-24045, 27-CR-23-385, 27-CR-23-5751, 27-CR-23-6188

Lucas Patrick Kraskey,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney and Megan Griffin, Attorney with the City of Minneapolis, represented the plaintiffs. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor – MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-21-8228****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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File Hash: 2377c67d46520b648f1867671695eee9d5eed8cedc2c3755a1afa66015df663d

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to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (GMD) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On August 22, 2023, Judge Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Tom Arneson, Assistant Hennepin County Attorney – Criminal Division; and

**Case No. 27-CR-21-8228****State of MN vs Lucas Patrick Kraskey**

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23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; and in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023.

2. On August 22, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
Christopher Freeman, Assistant Hennepin County Attorney – Criminal Division;  
Heidi Johnston, Minneapolis City Attorney;  
Andrew Reiland, II, Assistant Hennepin County Public Defender

**Case No. 27-CR-21-8229****State of MN vs Lucas Patrick Kraskey**

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to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (GMD) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On March 28, 2023, Judge Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Tom Arneson, Assistant Hennepin County Attorney – Criminal Division; and

**Case No. 27-CR-21-8228****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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Megan Griffin, City of Minneapolis Attorney

Susan Herlofsky, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.

**Case No. 27-CR-21-8228****State of MN vs Lucas Patrick Kraskey**

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**Case No. 27-CR-21-8229****State of MN vs Lucas Patrick Kraskey**

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**Case No. 27-CR-21-8228****State of MN vs Lucas Patrick Kraskey**

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9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended

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**Case No. 27-CR-21-8228****State of MN vs Lucas Patrick Kraskey**

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- to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 30, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Andrew Reiland, II, Assistant Hennepin County Public Defender;
  - c. Darren Borg, Assistant Hennepin County Attorney;
  - d. Christopher Freeman, Assistant Hennepin County Attorney;
  - e. Heidi Johnston, Minneapolis City Attorney;

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**Case No. 27-CR-21-8229****State of MN vs Lucas Patrick Kraskey**

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10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended

4

**Case No. 27-CR-21-8228****State of MN vs Lucas Patrick Kraskey**

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conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 31, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Tom Arneson, Assistant Hennepin County Public Defender;
- c. Susan Herlofsky, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. Megan Griffin, City of Minneapolis Attorney; and
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-21-8228****State of MN vs Lucas Patrick Kraskey**

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f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-21-8229****State of MN vs Lucas Patrick Kraskey**

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14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 31, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Tom Arneson, Assistant Hennepin County Public Defender;
- c. Susan Herlofsky, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. Megan Griffin, City of Minneapolis Attorney; and
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

**Case No. 27-CR-21-8229****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-21-8229\_Finding of Incompetency and Order\_2023-11-01\_20240430081519.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Lucas Patrick Kraskey,  
Defendant.

Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-23-5751

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on October 31, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistant Minneapolis City Attorney, also represented the plaintiff. Defendant was represented by Andrew J. Reiland, II, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-21-8230****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Lucas Patrick Kraskey,  
Defendant.

Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-22-21679, 27-CR-22-24045, 27-CR-23-385, 27-CR-23-5751, 27-CR-23-6188

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney and Megan Griffin, Attorney with the City of Minneapolis, represented the plaintiffs. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor – MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-21-8230****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Lucas Patrick Kraskey,  
Defendant.

Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-23-5751

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on October 31, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistant Minneapolis City Attorney, also represented the plaintiff. Defendant was represented by Andrew J. Reiland, II, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor – MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-21-8229****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-21-8229\_Finding of Incompetency and Order\_2023-11-01\_20240430081519.pdf

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23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; and in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023.

2. On August 22, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
 Christopher Freeman, Assistant Hennepin County Attorney – Criminal Division;  
 Heidi Johnston, Minneapolis City Attorney;  
 Andrew Reiland, II, Assistant Hennepin County Public Defender

**Case No. 27-CR-21-8230****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (GMD) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On March 28, 2023, Judge Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Tom Arneson, Assistant Hennepin County Attorney – Criminal Division; and

**Case No. 27-CR-21-8230****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; and in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023.

2. On August 22, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
 Christopher Freeman, Assistant Hennepin County Attorney – Criminal Division;  
 Heidi Johnston, Minneapolis City Attorney;  
 Andrew Reiland, II, Assistant Hennepin County Public Defender

**Case No. 27-CR-21-8229****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous

**Case No. 27-CR-21-8230****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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Megan Griffin, City of Minneapolis Attorney

Susan Herlofsky, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous

**Case No. 27-CR-21-8230****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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**Case No. 27-CR-21-8229****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 30, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Andrew Reiland, II, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Christopher Freeman, Assistant Hennepin County Attorney;
- e. Heidi Johnston, Minneapolis City Attorney;

**Case No. 27-CR-21-8230****State of MN vs Lucas Patrick Kraskey**

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9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended

**Case No. 27-CR-21-8230****State of MN vs Lucas Patrick Kraskey**

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to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

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13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 30, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Andrew Reiland, II, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Christopher Freeman, Assistant Hennepin County Attorney;
- e. Heidi Johnston, Minneapolis City Attorney;

**Case No. 27-CR-21-8229****State of MN vs Lucas Patrick Kraskey**

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- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-21-8230****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-8230\_Finding of Incompetency and Order\_2023-05-02\_20240430081640.pdf

File Hash: bf9c4c12367192b38a4ac49fa2f1aa91b38a6149be6449843c5ea21f4ce52ffc

Page: 5 of 5

conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 31, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Tom Arneson, Assistant Hennepin County Public Defender;
- c. Susan Herlofsky, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. Megan Griffin, City of Minneapolis Attorney; and
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

---

Referee of District Court

---

Judge of District Court**Case No. 27-CR-21-8230****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-21-8230\_Finding of Incompetency and Order\_2023-11-01\_20240430081637.pdf

File Hash: def36b792c7a0ca5feac28c31b193f4cc7ea0b6f26b529313d613309c364466a

Page: 5 of 5

- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court



**Case No. 27-CR-21-8412****State of MN vs Stephone Ahmad Gammage**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-08-08**

MCRO\_27-CR-21-8412\_Finding of Incompetency and Order\_2023-08-08\_20240430081737.pdf

File Hash: 112ea8d798bcca539d8c1c6390e41894761b5aae9c8b5b93dc34bc36b40d6b52

Page: 2 of 5

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Jacqueline Perez, Assistant Hennepin County Attorney – Criminal Division;  
David Desmidt, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or

**Case No. 27-CR-21-8511****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-8511\_Finding of Incompetency and Order\_2023-05-02\_20240430082013.pdf

File Hash: 8591615ddb052bc2f59ba4ace35ce305fd74d03db9a27d1d8836a3b59552a568

Page: 2 of 5

**Case No. 27-CR-21-8511****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-21-8511\_Finding of Incompetency and Order\_2023-11-01\_20240430082010.pdf

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Page: 2 of 5

23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On August 22, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.

2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
Christopher Freeman, Assistant Hennepin County Attorney – Criminal Division;  
Heidi Johnston, Minneapolis City Attorney;  
Andrew Reiland, II, Assistant Hennepin County Public Defender

**Case No. 27-CR-21-8412****State of MN vs Stephone Ahmad Gammage**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-08-08**

MCRO\_27-CR-21-8412\_Finding of Incompetency and Order\_2023-08-08\_20240430081737.pdf

File Hash: 112ea8d798bcc539d8c1c6390e41894761b5aae9c8b5b93dc34bc36b40d6b52

Page: 3 of 5

programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

**Case No. 27-CR-21-8511****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-8511\_Finding of Incompetency and Order\_2023-05-02\_20240430082013.pdf

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Page: 3 of 5

Megan Griffin, City of Minneapolis Attorney

Susan Herlofsky, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

**Case No. 27-CR-21-8511****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-21-8511\_Finding of Incompetency and Order\_2023-11-01\_20240430082010.pdf

File Hash: d4045abfce92eb1bd9514424da75fb6a9e0b5858483cf434960e5c250119388

Page: 3 of 5

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5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
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8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

**Case No. 27-CR-21-8412****State of MN vs Stephone Ahmad Gammage**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-08-08**

MCRO\_27-CR-21-8412\_Finding of Incompetency and Order\_2023-08-08\_20240430081737.pdf

File Hash: 112ea8d798bcc539d8c1c6390e41894761b5aae9c8b5b93dc34bc36b40d6b52

Page: 4 of 5

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is February 6, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. David Desmidt, Assistant Hennepin County Public Defender;
  - c. Jacqueline Perez, Assistant Hennepin County Attorney;
  - d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
  - e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

**Case No. 27-CR-21-8511****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-8511\_Finding of Incompetency and Order\_2023-05-02\_20240430082013.pdf

File Hash: 8591615ddb052bc2f59ba4ace35ce305fd74d03db9a27d1d8836a3b59552a568

Page: 4 of 5

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10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended

**Case No. 27-CR-21-8511****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-21-8511\_Finding of Incompetency and Order\_2023-11-01\_20240430082010.pdf

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Page: 4 of 5

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10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 30, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Andrew Reiland, II, Assistant Hennepin County Public Defender;
  - c. Darren Borg, Assistant Hennepin County Attorney;
  - d. Christopher Freeman, Assistant Hennepin County Attorney;
  - e. Heidi Johnston, Minneapolis City Attorney;

**Case No. 27-CR-21-8412****State of MN vs Stephone Ahmad Gammage**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-08-08**

MCRO\_27-CR-21-8412\_Finding of Incompetency and Order\_2023-08-08\_20240430081737.pdf

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Page: 5 of 5

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:




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 Brower, George  
Aug 9 2023 12:35 PM

Referee of District Court

**BY THE COURT:**


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 Browne, Michael  
Aug 9 2023 12:39 PM

Judge of District Court

**Case No. 27-CR-21-8511****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-21-8511\_Finding of Incompetency and Order\_2023-05-02\_20240430082013.pdf

File Hash: 8591615ddb052bc2f59ba4ace35ce305fd74d03db9a27d1d8836a3b59552a568

Page: 5 of 5

conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 31, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Tom Arneson, Assistant Hennepin County Public Defender;
- c. Susan Herlofsky, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. Megan Griffin, City of Minneapolis Attorney; and
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-21-8511****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-21-8511\_Finding of Incompetency and Order\_2023-11-01\_20240430082010.pdf

File Hash: d4045abfceca92eb1bd9514424da75fb6a9e0b5858483cf434960e5c250119388

Page: 5 of 5

f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court

**Case No. 27-CR-21-10675****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

MCRO\_27-CR-21-10675\_Finding of Incompetency and Order\_2023-02-15\_20240430082223.pdf

File Hash: aa6c780f9f7333ef2466ba4a1500e3605a8671258ab50597253d9c6c740f40f2

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Dennis Joseph Barry,  
Defendant.

Court File No. 27-CR-22-22521, 27-CR-21-10675, 27-CR-21-11624, 27-CR-21-21893, 27-CR-22-3570, 27-CR-22-17662, 27-CR-22-18518

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on February 14, 2023. The hearing was held remotely using the Zoom internet platform. Robert Sorenson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 05/14/1977), was charged in MNCIS file 27-CR-22-22521 with five counts of 2<sup>nd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on 08/02/2022. On 01/11/2023, Judge Allyn found probable cause to believe that the offenses were committed and that Defendant committed them.
- Defendant was also charged in MNCIS file 27-CR-21-10675 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on 05/03/2021. Defendant was charged in MNCIS file 27-CR-21-11624 with Theft (Misdemeanor) arising from an incident alleged to have occurred on 06/20/2021. Defendant was charged in MNCIS file 27-CR-21-21893 with Possession of drug paraphernalia in a public place (Misdemeanor) arising from an incident alleged to have occurred on 11/28/2021. Defendant was charged in MNCIS file 27-CR-22-3570 with Threats of Violence (Felony) arising from an incident alleged to have occurred on 02/20/2022. Defendant was charged in MNCIS file 27-CR-22-17662 with Criminal Damage to Property (Misdemeanor) arising from an incident alleged to have occurred on 09/02/2022. Defendant was charged in MNCIS file 27-CR-22-18518 with Carrying

**Case No. 27-CR-21-14861****State of MN vs KESSIE KAFELE WILSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,

Court File No. 27-CR-21-14861; 27-CR-23-20715

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

vs.  
Kessie Kafele Wilson,  
Defendant.

This matter came before the undersigned Judge of District Court on October 31, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Matthew Swiontek, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 07/02/1979), was convicted in MNCIS file 27-CR-21-14861 with Assault – 3<sup>rd</sup> Degree (Felony) arising from an incident that occurred on June 14, 2021.
- Defendant was charged in MNCIS file 27-CR-23-20715 with Stalking (Felony) and Threats of Violence (Felony) arising from an incident alleged to have occurred on September 21, 2023. On September 29, 2023, Senior Judge Poston found probable cause to believe that the offenses were committed and that Defendant committed them.
- Pursuant to agreement by the parties, the Court adopted the Rule 20.01 Report dated July 19, 2023, contained in MNCIS file 27-CR-23-8817.
- Dr. Kathryn Jameson, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court in MNCIS file 27-CR-23-8817.
- Dr. Kathryn Jameson, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability

**Case No. 27-CR-21-19552****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,

Court File No. 27-CR-19-12466; 27-CR-19-19606; 27-CR-20-8926; 27-CR-20-20037; 27-CR-21-19552; 27-CR-21-23233; 27-CR-22-1165; 27-CR-22-4898; 27-CR-23-8649; 27-CR-23-25563

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

vs.  
Terrell Johnson,  
Defendant.

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 08/28/1979), was charged in MNCIS file 27-CR-19-12466 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on May 28, 2019; in MNCIS file 27-CR-19-19606 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on August 12, 2019; in MNCIS file 27-CR-20-8926 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 2, 2020; in MNCIS file 27-CR-20-20037 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 6, 2019; in MNCIS file 27-CR-21-19552 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 12, 2021; in MNCIS file 27-CR-21-23233 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on December 17, 2021; in MNCIS file 27-CR-22-1165 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on October 9, 2021; in MNCIS file 27-CR-22-4898 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 15, 2022; in MNCIS file 27-CR-23-8649 with Domestic Assault (Gross Misdemeanor) arising

**Case No. 27-CR-21-10675**

State of MN vs Dennis Joseph Barry

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-02-15

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weapons and facsimile firearms prohibited (Misdemeanor) arising from an incident alleged to have occurred on 09/10/2022.

3. On 01/11/2023, Judge Allyn ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
4. Dr. Gregory A. Hanson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
5. Dr. Gregory A. Hanson, Ph.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Kaitlin Anderson, Assistant Hennepin County Attorney – Criminal Division;  
Joseph McInnis, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.

**Case No. 27-CR-21-14861**

State of MN vs KESSIE KAFELE WILSON

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-11-01

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to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Thomas Prochazka, Assistant Hennepin County Attorney – Criminal Division;  
Matthew Swiontek, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical

**Case No. 27-CR-21-19552**

State of MN vs TERRELL JOHNSON

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2024-03-12

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from incident alleged to have occurred on April 25, 2023; and in MNCIS file 27-CR-23-25563 with Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on November 29, 2023. In the former case, on December 6, 2023, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On December 6, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Kacy Wothe, Assistant Hennepin County Attorney – Criminal Division;  
Evan Powell, Assistant Hennepin County Attorney – Criminal Division;  
Minneapolis City Attorney;  
Laura Prahl, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-21-10675****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-02-15

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5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

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**Case No. 27-CR-21-14861****State of MN vs KESSIE KAFELE WILSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-11-01

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dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received

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**Case No. 27-CR-21-19552****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2024-03-12

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4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

3

**Case No. 27-CR-21-10675****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

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11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

**Case No. 27-CR-21-14861****State of MN vs KESSIE KAFELE WILSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is February 6, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Matthew Swiontek, Assistant Hennepin County Public Defender (laura.prahl@hennepin.us);
- c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
- d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
- e. Minneapolis City Attorney;
- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-21-19552****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

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10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Laura Prahl, Assistant Hennepin County Public Defender (laura.prahl@hennepin.us);
- c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
- d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
- e. Minneapolis City Attorney;
- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-21-10675****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

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14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 15, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Joseph McInnis, Assistant Hennepin County Public Defender;
- c. Kaitlin Anderson, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**Referee of District CourtJudge of District Court**Case No. 27-CR-21-14861****State of MN vs KESSIE KAFELE WILSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**Judge of District Court**Case No. 27-CR-21-19552****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-21-19552\_Finding of Incompetency and Order\_2024-03-12\_20240430082832.pdf

File Hash: e5ad0ef799094603aed17430adcd2a18e4bcba43c9d657afefd721744b11983

Page: 5 of 5

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

Mercurio, Danielle  
Mar 21 2024 2:26 PM  
Referee of District Court

**BY THE COURT:**

Browne, Michael  
Mar 21 2024 3:04 PM  
Judge of District Court

**Case No. 27-CR-21-20072****State of MN vs GORDON EUGENE SHARP**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-20072\_Finding of Incompetency and Order\_2023-06-01\_20240430083050.pdf

File Hash: 72cd79365a9228192c45dc720c428f928e33ef48a4060e4902cc019bddae26e

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**State of Minnesota,  
Plaintiff,Court File No. 27-CR-21-1980, 27-CR-21-  
20072, 27-CR-21-20988, 27-CR-21-21355,  
27-CR-21-23188, 27-CR-21-23215, 27-CR-  
22-4087, 27-CR-22-22963, 27-CR-23-1752vs.  
Gordon Eugene Sharp, Jr.,  
Defendant.**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on May 30, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 05/13/1988), was charged in MNCIS file 27-CR-21-1980 with Theft (Felony) arising from an incident alleged to have occurred on January 27, 2021; in MNCIS file 27-CR-21-20072 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on October 1, 2021; in MNCIS file 27-CR-21-20988 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on November 9, 2021; in MNCIS file 27-CR-21-21355 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred November 16, 2021; in MNCIS file 27-CR-21-23188 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 11, 2021; in MNCIS file 27-CR-21-23215 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 16, 2021; in MNCIS file 27-CR-22-4087 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 9, 2021; in MNCIS file 27-CR-22-22963 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on May 27, 2022; and in MNCIS file 27-CR-23-1752 with 4<sup>th</sup> Degree Damage to Property and Trespass (Misdemeanor) arising from an incident alleged to have occurred on

**Case No. 27-CR-21-20988****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-20988\_Finding of Incompetency and Order\_2023-06-01\_20240430083344.pdf

File Hash: e34cab948bdac2cebf75d800bf7e24026259ff31934c5c698dc86a7603370d9a

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

Court File No. 27-CR-21-1980, 27-CR-21-  
20072, 27-CR-21-20988, 27-CR-21-21355,  
27-CR-21-23188, 27-CR-21-23215, 27-CR-  
22-4087, 27-CR-22-22963, 27-CR-23-1752vs.  
Gordon Eugene Sharp, Jr.,  
Defendant.**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
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**Case No. 27-CR-21-21355****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-21355\_Finding of Incompetency and Order\_2023-06-01\_20240430083452.pdf

File Hash: 4c4ee569b4482006796277a508d92b8ccb53ce389987bc6a6150308a4ab9c1ac

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

Court File No. 27-CR-21-1980, 27-CR-21-  
20072, 27-CR-21-20988, 27-CR-21-21355,  
27-CR-21-23188, 27-CR-21-23215, 27-CR-  
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Gordon Eugene Sharp, Jr.,  
Defendant.**FINDINGS OF FACT,  
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**Case No. 27-CR-21-20072****State of MN vs GORDON EUGENE SHARP**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-06-01

MCRO\_27-CR-21-20072\_Finding of Incompetency and Order\_2023-06-01\_20240430083050.pdf

File Hash: 72cd79365a9228192c45dc720c428f928e33ef48a4060e4902cc019bddae26e

Page: 2 of 5

January 22, 2023. On August 9, 2022, Judge Gina Brandt found probable cause to believe that the offenses were committed and that Defendant committed them.

2. On April 3, 2022, Judge Melissa Houghtaling ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Lauren A. Herbert, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Lauren A. Herbert, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
 Cory Strecker, Assistant Hennepin County Attorney – Criminal Division;  
 Hilary Minor, Assistant Hennepin County Attorney – Criminal Division;  
 Chase Myhran, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-21-20988****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-06-01

MCRO\_27-CR-21-20988\_Finding of Incompetency and Order\_2023-06-01\_20240430083344.pdf

File Hash: e34cab948bdac2cebf75d800bf7e24026259ff31934c5c698dc86a7603370d9a

Page: 2 of 5

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Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
 Cory Strecker, Assistant Hennepin County Attorney – Criminal Division;  
 Hilary Minor, Assistant Hennepin County Attorney – Criminal Division;  
 Chase Myhran, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-21-21355****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-06-01

MCRO\_27-CR-21-21355\_Finding of Incompetency and Order\_2023-06-01\_20240430083452.pdf

File Hash: 4c4ee569b4482006796277a508d92b8ccb53ce389987bc6a6150308a4ab9c1ac

Page: 2 of 5

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**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

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 Cory Strecker, Assistant Hennepin County Attorney – Criminal Division;  
 Hilary Minor, Assistant Hennepin County Attorney – Criminal Division;  
 Chase Myhran, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-21-20072****State of MN vs GORDON EUGENE SHARP**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-20072\_Finding of Incompetency and Order\_2023-06-01\_20240430083050.pdf

File Hash: 72cd79365a9228192c45dc720c428f928e33ef48a4060e4902cc019bddae26e

Page: 3 of 5

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

**Case No. 27-CR-21-20988****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-20988\_Finding of Incompetency and Order\_2023-06-01\_20240430083344.pdf

File Hash: e34cab948bdac2cebf75d800bf7e24026259ff31934c5c698dc86a7603370d9a

Page: 3 of 5

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**Case No. 27-CR-21-21355****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-21355\_Finding of Incompetency and Order\_2023-06-01\_20240430083452.pdf

File Hash: 4c4ee569b4482006796277a508d92b8ccb53ce389987bc6a6150308a4ab9c1ac

Page: 3 of 5

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6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

**Case No. 27-CR-21-20072****State of MN vs GORDON EUGENE SHARP**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-20072\_Finding of Incompetency and Order\_2023-06-01\_20240430083050.pdf

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Page: 4 of 5

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending

**Case No. 27-CR-21-20988****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-20988\_Finding of Incompetency and Order\_2023-06-01\_20240430083344.pdf

File Hash: e34cab948bdac2cebf75d800bf7e24026259ff31934c5c698dc86a7603370d9a

Page: 4 of 5

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**Case No. 27-CR-21-21355****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

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File Hash: 4c4ee569b4482006796277a508d92b8ccb53ce389987bc6a6150308a4ab9c1ac

Page: 4 of 5

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending

**Case No. 27-CR-21-20072****State of MN vs GORDON EUGENE SHARP**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-20072\_Finding of Incompetency and Order\_2023-06-01\_20240430083050.pdf

File Hash: 72cd79365a9228192c45dc720c428f928e33ef48a4060e4902cc019bddae26e

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the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 28, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Chase Myhran, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Cory Strecker, Assistant Hennepin County Attorney;
- e. Hilary Minor, Assistant Hennepin County Attorney;
- f. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-21-20988****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-20988\_Finding of Incompetency and Order\_2023-06-01\_20240430083344.pdf

File Hash: e34cab948bdac2cebf75d800bf7e24026259ff31934c5c698dc86a7603370d9a

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the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 28, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Chase Myhran, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Cory Strecker, Assistant Hennepin County Attorney;
- e. Hilary Minor, Assistant Hennepin County Attorney;
- f. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-21-21355****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-21355\_Finding of Incompetency and Order\_2023-06-01\_20240430083452.pdf

File Hash: 4c4ee569b4482006796277a508d92b8ccb53ce389987bc6a6150308a4ab9c1ac

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the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 28, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Chase Myhran, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Cory Strecker, Assistant Hennepin County Attorney;
- e. Hilary Minor, Assistant Hennepin County Attorney;
- f. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

**Case No. 27-CR-21-22058****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-21-22058\_Finding of Incompetency and Order\_2023-06-06\_20240430083549.pdf

File Hash: 2f5aef4145be16027a4c84749132c00c08ad5cf487ce682b1cad639e6c6cf207

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

Court File No. 27-CR-18-18391, 27-CR-19-1916, 27-CR-19-3539, 27-CR-19-17539, 27-CR-21-22058

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on June 6, 2023. The hearing was held remotely using the Zoom internet platform. Chris Freeman, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 09/13/1998), was charged in MNCIS file 27-CR-18-18391 with Assault 5<sup>th</sup> Degree-2 (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault-5<sup>th</sup> Degree (Felony) and Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault-4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS file 27-CR-19-17539 with Assault-5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; and in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021. In the latter case, on December 1, 2022, Judge Nicole Engisch found probable cause to believe that the offense was committed and that Defendant committed it.
- On April 4, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

**Case No. 27-CR-21-22058****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-21-22058\_Finding of Incompetency and Order\_2024-03-20\_20240430083543.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

Court File No. 27-CR-18-18391; 27-CR-19-1916; 27-CR-19-3539; 27-CR-19-17539; 27-CR-21-22058; 27-CR-23-22062; 27-CR-24-4893

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 19, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Atif Khan, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 09/03/1998), was charged in MNCIS file 27-CR-18-18391 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 2, 2018; in MNCIS file 27-CR-19-1916 with Assault – 5<sup>th</sup> Degree (Felony) and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 20, 2019; in MNCIS file 27-CR-19-3539 with Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 30, 2019; in MNCIS file 27-CR-19-17539 with Assault – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 23, 2019; and in MNCIS file 27-CR-21-22058 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on November 27, 2021; in MNCIS file 27-CR-23-22062 with Assault – 2<sup>nd</sup> Degree (Felony), Burglary – 1<sup>st</sup> Degree (Felony), and Assault – 4<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 27, 2023; and in MNCIS file 27-CR-24-4893 with Assault – 4<sup>th</sup> Degree (Felony), Assault – 4<sup>th</sup> Degree (Felony), and Assault – 5<sup>th</sup> Degree (Misdemeanor) arising from an incident alleged to have occurred on February 27, 2024.

**Case No. 27-CR-21-23131****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-21-23131\_Finding of Incompetency and Order\_2023-03-08\_20240430083650.pdf

File Hash: 37a3c0dfb2cb89dbf7dc53096d3171d3bab6c64da649e3f95b3f6c36cb15514d

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Rex Allen Basswood, Jr.,

Defendant.

Court File No. 27-CR-20-6517, 27-CR-21-23131, 27-CR-22-24627

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on March 7, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Chelsea Knutson, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 07/19/1989), was charged in MNCIS file 27-CR-20-6517 with Theft (Felony) arising from an incident alleged to have occurred on 02/06/2020; in MNCIS file 27-CR-21-23131 with Theft (Felony) arising from an incident alleged to have occurred on 12/14/2021; and in MNCIS file 27-CR-22-24627 with Simple Robbery (Felony) arising from an incident alleged to have occurred on 11/08/2022.
- On 12/30/2022, Judge Michael Browne ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-21-22058****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-21-22058\_Finding of Incompetency and Order\_2023-06-06\_20240430083549.pdf

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3. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

4. Dr. Stephanie Bruss, Psy.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.

2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Atif Kahn, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.

5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

**Case No. 27-CR-21-22058****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-21-22058\_Finding of Incompetency and Order\_2024-03-20\_20240430083543.pdf

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2. The Court previously entered a finding of incompetent to stand trial in each of the referenced cases.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.

2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Atif Khan, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.

5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation

**Case No. 27-CR-21-23131****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-21-23131\_Finding of Incompetency and Order\_2023-03-08\_20240430083650.pdf

File Hash: 37a3c0dfb2cb89dbf7dc53096d3171d3bab6c64da649e3f95b3f6c36cb15514d

Page: 2 of 5

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.

2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Daniel Provencher, Assistant Hennepin County Attorney – Criminal Division;

Chelsea Knutson, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.

5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation

**Case No. 27-CR-21-22058****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-21-22058\_Finding of Incompetency and Order\_2023-06-06\_20240430083549.pdf

File Hash: 2f5aef4145be16027a4c84749132c00c08ad5cf487ce682b1cad639e6c6cf207

Page: 3 of 5

6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider

**Case No. 27-CR-21-22058****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-21-22058\_Finding of Incompetency and Order\_2024-03-20\_20240430083543.pdf

File Hash: 65e2eb2a7a640071361b9921499ee098a2b6c845efc1a8ea39c7b8aab0f9e22b

Page: 3 of 5

**Case No. 27-CR-21-23131****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-21-23131\_Finding of Incompetency and Order\_2023-03-08\_20240430083650.pdf

File Hash: 37a3c0dfb2cb89dbf7dc53096d3171d3bab6c64da649e3f95b3f6c36cb15514d

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agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

**Case No. 27-CR-21-22058****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-21-22058\_Finding of Incompetency and Order\_2023-06-06\_20240430083549.pdf

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Page: 4 of 5

this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is December 5, 2023. One

**Case No. 27-CR-21-22058****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-21-22058\_Finding of Incompetency and Order\_2024-03-20\_20240430083543.pdf

File Hash: 65e2eb2a7a640071361b9921499ee098a2b6c845efc1a8ea39c7b8aab0f9e22b

Page: 4 of 5

to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 2, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Atif Khan, Assistant Hennepin County Public Defender (atif.khan@hennepin.us);
- c. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);

**Case No. 27-CR-21-23131****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-21-23131\_Finding of Incompetency and Order\_2023-03-08\_20240430083650.pdf

File Hash: 37a3c0dfb2cb89dbf7dc53096d3171d3bab6c64da649e3f95b3f6c36cb15514d

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may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 5, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Chelsea Knutson, Assistant Hennepin County Public Defender;
- c. Daniel Provencher, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-21-22058****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-06**

MCRO\_27-CR-21-22058\_Finding of Incompetency and Order\_2023-06-06\_20240430083549.pdf

File Hash: 2f5aef4145be16027a4c84749132c00c08ad5cf487ce682b1cad639e6c6cf207

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week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Evan Powell, Assistant Hennepin County Attorney – Criminal Division;
- c. Atif Kahn, Assistant Hennepin County Public Defender
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-21-22058****State of MN vs AESHA IBRAHIM OSMAN**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-20**

MCRO\_27-CR-21-22058\_Finding of Incompetency and Order\_2024-03-20\_20240430083543.pdf

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d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-21-23131****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-21-23131\_Finding of Incompetency and Order\_2023-03-08\_20240430083650.pdf

File Hash: 37a3c0dfb2cb89dbf7dc53096d3171d3bab6c64da649e3f95b3f6c36cb15514d

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e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court

**Case No. 27-CR-21-23188****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-23188\_Finding of Incompetency and Order\_2023-06-01\_20240430083741.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Gordon Eugene Sharp, Jr.,

Defendant.

Court File No. 27-CR-21-1980, 27-CR-21-20072, 27-CR-21-20988, 27-CR-21-21355, 27-CR-21-23188, 27-CR-21-23215, 27-CR-22-4087, 27-CR-22-22963, 27-CR-23-1752

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on May 30, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 05/13/1988), was charged in MNCIS file 27-CR-21-1980 with Theft (Felony) arising from an incident alleged to have occurred on January 27, 2021; in MNCIS file 27-CR-21-20072 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on October 1, 2021; in MNCIS file 27-CR-21-20988 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on November 9, 2021; in MNCIS file 27-CR-21-21355 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred November 16, 2021; in MNCIS file 27-CR-21-23188 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 11, 2021; in MNCIS file 27-CR-21-23215 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 16, 2021; in MNCIS file 27-CR-22-4087 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 9, 2021; in MNCIS file 27-CR-22-22963 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on May 27, 2022; and in MNCIS file 27-CR-23-1752 with 4<sup>th</sup> Degree Damage to Property and Trespass (Misdemeanor) arising from an incident alleged to have occurred on

**Case No. 27-CR-21-23233****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Terrell Johnson,

Defendant.

Court File No. 27-CR-19-12466; 27-CR-19-19606; 27-CR-20-8926; 27-CR-20-20037; 27-CR-21-19552; 27-CR-21-23233; 27-CR-22-1165; 27-CR-22-4898; 27-CR-23-8649; 27-CR-23-25563

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 08/28/1979), was charged in MNCIS file 27-CR-19-12466 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on May 28, 2019; in MNCIS file 27-CR-19-19606 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on August 12, 2019; in MNCIS file 27-CR-20-8926 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 2, 2020; in MNCIS file 27-CR-20-20037 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 6, 2019; in MNCIS file 27-CR-21-19552 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 12, 2021; in MNCIS file 27-CR-21-23233 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on December 17, 2021; in MNCIS file 27-CR-22-1165 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on October 9, 2021; in MNCIS file 27-CR-22-4898 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 15, 2022; in MNCIS file 27-CR-23-8649 with Domestic Assault (Gross Misdemeanor) arising

**Case No. 27-CR-21-23628****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-22**

MCRO\_27-CR-21-23628\_Finding of Incompetency and Order\_2023-02-22\_20240430084620.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Carmen Bendu Greaves,

Defendant.

Court File No. 27-CR-21-23628, 27-CR-7797, 27-CR-22-9010, 27-CR-22-25134

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on February 21, 2023. The hearing was held remotely using the Zoom internet platform. Robert Sorenson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Madeline Baskfield, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 10/03/1978), was convicted in MNCIS file 27-CR-21-23628 with three felony charges. Defendant was charged in MNCIS file 27-CR-22-7797 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on 04/22/2022. Defendant was charged in MNCIS file 27-CR-22-9010 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on 05/06/2022. Defendant was charged in 27-CR-22-25134 with Violate No Contact Order (Felony) and Domestic Abuse (Felony) arising from an incident alleged to have occurred on 12/14/2022.
- On 01/18/2023, Referee Mercurio ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to

**Case No. 27-CR-21-23188****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

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January 22, 2023. On August 9, 2022, Judge Gina Brandt found probable cause to believe that the offenses were committed and that Defendant committed them.

2. On April 3, 2022, Judge Melissa Houghtaling ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Lauren A. Herbert, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Lauren A. Herbert, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;

Cory Strecker, Assistant Hennepin County Attorney – Criminal Division;

Hilary Minor, Assistant Hennepin County Attorney – Criminal Division;

Chase Myhran, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-21-23233****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-21-23233\_Finding of Incompetency and Order\_2024-03-12\_20240430084211.pdf

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from incident alleged to have occurred on April 25, 2023; and in MNCIS file 27-CR-23-25563 with Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on November 29, 2023. In the former case, on December 6, 2023, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On December 6, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Kacy Wothe, Assistant Hennepin County Attorney – Criminal Division;

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Minneapolis City Attorney;

Laura Prahl, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-21-23628****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-22**

MCRO\_27-CR-21-23628\_Finding of Incompetency and Order\_2023-02-22\_20240430084620.pdf

File Hash: 9e15c6a04491154432f2f0734c4108d3a1892d47c9131da09b977731f49d5dad

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rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Lisa Godon, Assistant Hennepin County Attorney – Criminal Division;

Madeline Baskfield, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical

**Case No. 27-CR-21-23188****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-23188\_Finding of Incompetency and Order\_2023-06-01\_20240430083741.pdf

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4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

3

**Case No. 27-CR-21-23233****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-21-23233\_Finding of Incompetency and Order\_2024-03-12\_20240430084211.pdf

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4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

3

**Case No. 27-CR-21-23628****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-22**

MCRO\_27-CR-21-23628\_Finding of Incompetency and Order\_2023-02-22\_20240430084620.pdf

File Hash: 9e15c6a04491154432f2f0734c4108d3a1892d47c9131da09b977731f49d5dad

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- dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received

3

**Case No. 27-CR-21-23188****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-23188\_Finding of Incompetency and Order\_2023-06-01\_20240430083741.pdf

File Hash: 9436d4f2615f49d4a77452ff57c65d04b3bb2093a8df62ab54bf19f4de376bfd

Page: 4 of 5

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending

**Case No. 27-CR-21-23233****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-21-23233\_Finding of Incompetency and Order\_2024-03-12\_20240430084211.pdf

File Hash: 8c6c63eaae3b81c52b020883a3b93c6245aba2d431e3d5d1b2d34b44be30d8da

Page: 4 of 5

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Laura Prahl, Assistant Hennepin County Public Defender (laura.prahl@hennepin.us);
- c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
- d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
- e. Minneapolis City Attorney;
- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-21-23628****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-22**

MCRO\_27-CR-21-23628\_Finding of Incompetency and Order\_2023-02-22\_20240430084620.pdf

File Hash: 9e15c6a04491154432f2f0734c4108d3a1892d47c9131da09b977731f49d5dad

Page: 4 of 5

in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 22, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Madeline Baskfield, Assistant Hennepin County Public Defender;
- c. Lisa Godon, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-21-23188****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-21-23188\_Finding of Incompetency and Order\_2023-06-01\_20240430083741.pdf

File Hash: 9436d4f2615f49d4a77452ff57c65d04b3bb2093a8df62ab54bf19f4de376bfd

Page: 5 of 5

the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 28, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Chase Myhran, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Cory Strecker, Assistant Hennepin County Attorney;
- e. Hilary Minor, Assistant Hennepin County Attorney;
- f. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-21-23233****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-21-23233\_Finding of Incompetency and Order\_2024-03-12\_20240430084211.pdf

File Hash: 8c6c63eaae3b81c52b020883a3b93c6245aba2d431e3d5d1b2d34b44be30d8da

Page: 5 of 5

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

Mercurio, Danielle  
Mar 21 2024 2:26 PM

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Referee of District Court**BY THE COURT:**Browne, Michael  
Mar 21 2024 3:04 PM

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Judge of District Court**Case No. 27-CR-21-23628****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-22**

MCRO\_27-CR-21-23628\_Finding of Incompetency and Order\_2023-02-22\_20240430084620.pdf

File Hash: 9e15c6a04491154432f2f0734c4108d3a1892d47c9131da09b977731f49d5dad

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e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

**Case No. 27-CR-21-23628****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-05**

MCRO\_27-CR-21-23628\_Finding of Incompetency and Order\_2024-03-05\_20240430084617.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Court File No. 27-CR-21-23628; 27-CR-22-7797; 27-CR-22-9010; 27-CR-22-25134  
Plaintiff,  
vs.  
Carmen Bendu Greaves,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on March 5, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Madeline Baskfield, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 10/03/1978), was convicted in MNCIS file 27-CR-21-23628 with Burglary – 1<sup>st</sup> Degree (Felony), Domestic Abuse (Felony), and Violate No Contact Order (Felony) arising from an incident that occurred on December 22, 2021. Defendant was charged in MNCIS file 27-CR-22-7797 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on April 22, 2022; in MNCIS file 27-CR-22-9010 with Violate No Contact Order (Felony) arising from an incident that occurred on May 6, 2022; and in MNCIS file 27-CR-22-25134 with Violate No Contact Order (Felony) and Domestic Abuse (Felony) arising from an incident alleged to have occurred on December 14, 2022.
- On February 2, 2024, Judge Jean Burdorf ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Catherine A. Carlson, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-22-1165****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-22-1165\_Finding of Incompetency and Order\_2024-03-12\_20240429030424.pdf

File Hash: 50978c5c4db215cc17f7a69774b22e5f9ef6b2401ac0fb90e01715fd8775981

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Court File No. 27-CR-19-12466; 27-CR-19-19606; 27-CR-20-8926; 27-CR-20-20037; 27-CR-21-19552; 27-CR-21-23233; 27-CR-22-1165; 27-CR-22-4898; 27-CR-23-8649; 27-CR-23-25563  
Plaintiff,  
vs.  
Terrell Johnson,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 08/28/1979), was charged in MNCIS file 27-CR-19-12466 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on May 28, 2019; in MNCIS file 27-CR-19-19606 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on August 12, 2019; in MNCIS file 27-CR-20-8926 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 2, 2020; in MNCIS file 27-CR-20-20037 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 6, 2019; in MNCIS file 27-CR-21-19552 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 12, 2021; in MNCIS file 27-CR-21-23233 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on December 17, 2021; in MNCIS file 27-CR-22-1165 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on October 9, 2021; in MNCIS file 27-CR-22-4898 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 15, 2022; in MNCIS file 27-CR-23-8649 with Domestic Assault (Gross Misdemeanor) arising

**Case No. 27-CR-22-3553****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-22-3553\_Finding of Incompetency and Order\_2023-05-24\_20240429032047.pdf

File Hash: 6e54886fd0233a61acf191732ec7b006f851cede4e888bb0f5205d114409f78

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Court File No. 27-CR-18-26530, 27-CR-19-9270, 27-CR-20-1053, 27-CR-22-3553  
Plaintiff,  
vs.  
William Lee Nabors,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on May 23, 2023. The hearing was held remotely using the Zoom internet platform. Thomas Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 12/10/1970), was convicted in MNCIS file 27-CR-18-26530 with Trespass (Gross Misdemeanor). Defendant was charged in MNCIS file 27-CR-19-9270 with Transit-Obstruct/Interfere with Operation of Vehicle (Gross Misdemeanor) arising from an incident alleged to have occurred on April 21, 2019; in MNCIS file 27-CR-20-1053 with Theft (Misdemeanor) arising from an incident alleged to have occurred on January 11, 2020; and in MNCIS file 27-CR-22-3553 with 1<sup>st</sup> Degree Assault (Felony) and 3<sup>rd</sup> Degree Assault (Felony) arising from an incident alleged to have occurred on February 22, 2022. In the latter case, on April 20, 2023, Judge Askalani found probable cause to believe that the offenses were committed and that Defendant committed them.
- On April 20, 2023, Judge Askalani ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-21-23628****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-05**

MCRO\_27-CR-21-23628\_Finding of Incompetency and Order\_2024-03-05\_20240430084617.pdf

File Hash: ea978f770595a27cd199e49d19f1bd65f3bef0e1d164376de0534df93e02bd5d

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4. Dr. Catherine A. Carlson, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Joshua Luger, Assistant Hennepin County Attorney – Criminal Division;  
Madeline Baskfield, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

**Case No. 27-CR-22-1165****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-22-1165\_Finding of Incompetency and Order\_2024-03-12\_20240429030424.pdf

File Hash: 50978c5c4db215cc17f7a69774b22e5f9ef6b2401ac0fb90e01715fd8775981

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from incident alleged to have occurred on April 25, 2023; and in MNCIS file 27-CR-23-25563 with Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on November 29, 2023. In the former case, on December 6, 2023, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On December 6, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Kacy Wothe, Assistant Hennepin County Attorney – Criminal Division;  
Evan Powell, Assistant Hennepin County Attorney – Criminal Division;  
Minneapolis City Attorney;  
Laura Prahl, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-22-3553****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-22-3553\_Finding of Incompetency and Order\_2023-05-24\_20240429032047.pdf

File Hash: 6e54886fd0233a61acf191732ec7b006f851cede4e888bb0f5205d114409f78

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4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Natasha Yenina, Assistant Hennepin County Attorney – Criminal Division;  
Karen Mara, Minneapolis City Attorney;  
Patrick Leach, Edina City Attorney;  
Peter Martin, Attorney for Defendant
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

**Case No. 27-CR-21-23628****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-05**

MCRO\_27-CR-21-23628\_Finding of Incompetency and Order\_2024-03-05\_20240430084617.pdf

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treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours.

**Case No. 27-CR-22-1165****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-22-1165\_Finding of Incompetency and Order\_2024-03-12\_20240429030424.pdf

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Page: 3 of 5

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

**Case No. 27-CR-22-3553****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-22-3553\_Finding of Incompetency and Order\_2023-05-24\_20240429032047.pdf

File Hash: 6e54886fd0233a61acf191732ec7b006f851cede4e888bb0f5205d114409f78

Page: 3 of 5

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all

**Case No. 27-CR-21-23628****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-05**

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Page: 4 of 5

This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 3, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Madeline Baskfield, Assistant Hennepin County Public Defender;
- c. Joshua Luger, Assistant Hennepin County Attorney;

**Case No. 27-CR-22-1165****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-22-1165\_Finding of Incompetency and Order\_2024-03-12\_20240429030424.pdf

File Hash: 50978c5c4db215cc17f7a69774b22e5f9ef6b2401ac0fb90e01715fd8775981

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10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Laura Prahl, Assistant Hennepin County Public Defender (laura.prahl@hennepin.us);
- c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
- d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
- e. Minneapolis City Attorney;
- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-22-3553****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-22-3553\_Finding of Incompetency and Order\_2023-05-24\_20240429032047.pdf

File Hash: 6e54886fd0233a616acf191732ec7b006f851cede4e888bb0f5205d114409f78

Page: 4 of 5

information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 21, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

**Case No. 27-CR-21-23628****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-05**

MCRO\_27-CR-21-23628\_Finding of Incompetency and Order\_2024-03-05\_20240430084617.pdf

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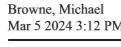
Page: 5 of 5

- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-22-1165****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-22-1165\_Finding of Incompetency and Order\_2024-03-12\_20240429030424.pdf

File Hash: 50978c5c4db215cc17f7a69774b22e5f9ef6b2401ac0fb90e01715fd8775981

Page: 5 of 5

- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

## Order Recommended By:



Mercurio, Danielle  
Mar 21 2024 2:26 PM  
Referee of District Court

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**BY THE COURT:**

Browne, Michael  
Mar 21 2024 3:04 PM  
Judge of District Court

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**Case No. 27-CR-22-3553****State of MN vs WILLIAM LEE NABORS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-24**

MCRO\_27-CR-22-3553\_Finding of Incompetency and Order\_2023-05-24\_20240429032047.pdf

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- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Peter Martin, Attorney for Defendant;
- c. Natasha Yenina, Assistant Hennepin County Attorney;
- d. Karen Mara, Minneapolis City Attorney;
- e. Patrick Leach, Edina City Attorney;
- f. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

## Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

**Case No. 27-CR-22-3570****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

MCRO\_27-CR-22-3570\_Finding of Incompetency and Order\_2023-02-15\_20240429034620.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
Court File No. 27-CR-22-22521, 27-CR-21-  
10675, 27-CR-21-11624, 27-CR-21-21893,  
27-CR-22-3570, 27-CR-22-17662, 27-CR-22-  
18518

vs.

Dennis Joseph Barry,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on February 14, 2023. The hearing was held remotely using the Zoom internet platform. Robert Sorenson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 05/14/1977), was charged in MNCIS file 27-CR-22-22521 with five counts of 2<sup>nd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on 08/02/2022. On 01/11/2023, Judge Allyn found probable cause to believe that the offenses were committed and that Defendant committed them.
- Defendant was also charged in MNCIS file 27-CR-21-10675 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on 05/03/2021. Defendant was charged in MNCIS file 27-CR-21-11624 with Theft (Misdemeanor) arising from an incident alleged to have occurred on 06/20/2021. Defendant was charged in MNCIS file 27-CR-21-21893 with Possession of drug paraphernalia in a public place (Misdemeanor) arising from an incident alleged to have occurred on 11/28/2021. Defendant was charged in MNCIS file 27-CR-22-3570 with Threats of Violence (Felony) arising from an incident alleged to have occurred on 02/20/2022. Defendant was charged in MNCIS file 27-CR-22-17662 with Criminal Damage to Property (Misdemeanor) arising from an incident alleged to have occurred on 09/02/2022. Defendant was charged in MNCIS file 27-CR-22-18518 with Carrying

**Case No. 27-CR-22-4087****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-22-4087\_Finding of Incompetency and Order\_2023-06-01\_20240429035306.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
Court File No. 27-CR-21-1980, 27-CR-21-  
20072, 27-CR-21-20988, 27-CR-21-21355,  
27-CR-21-23188, 27-CR-21-23215, 27-CR-  
22-4087, 27-CR-22-22963, 27-CR-23-1752

vs.

Gordon Eugene Sharp, Jr.,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on May 30, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 05/13/1988), was charged in MNCIS file 27-CR-21-1980 with Theft (Felony) arising from an incident alleged to have occurred on January 27, 2021; in MNCIS file 27-CR-21-20072 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on October 1, 2021; in MNCIS file 27-CR-21-20988 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on November 9, 2021; in MNCIS file 27-CR-21-21355 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred November 16, 2021; in MNCIS file 27-CR-21-23188 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 11, 2021; in MNCIS file 27-CR-21-23215 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 16, 2021; in MNCIS file 27-CR-22-4087 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 9, 2021; in MNCIS file 27-CR-22-22963 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on May 27, 2022; and in MNCIS file 27-CR-23-1752 with 4<sup>th</sup> Degree Damage to Property and Trespass (Misdemeanor) arising from an incident alleged to have occurred on

**Case No. 27-CR-22-4898****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-22-4898\_Finding of Incompetency and Order\_2024-03-12\_20240429040213.pdf

File Hash: 746e67933909c062c465ed3df5cbedaf02796ba10d185c70404d615409dee066

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
Court File No. 27-CR-19-12466; 27-CR-19-  
19606; 27-CR-20-8926; 27-CR-20-20037; 27-  
CR-21-19552; 27-CR-21-23233; 27-CR-22-  
1165; 27-CR-22-4898; 27-CR-23-8649; 27-  
CR-23-25563

vs.  
Terrell Johnson,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 08/28/1979), was charged in MNCIS file 27-CR-19-12466 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on May 28, 2019; in MNCIS file 27-CR-19-19606 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on August 12, 2019; in MNCIS file 27-CR-20-8926 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 2, 2020; in MNCIS file 27-CR-20-20037 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 6, 2019; in MNCIS file 27-CR-21-19552 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 12, 2021; in MNCIS file 27-CR-21-23233 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on December 17, 2021; in MNCIS file 27-CR-22-1165 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on October 9, 2021; in MNCIS file 27-CR-22-4898 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 15, 2022; in MNCIS file 27-CR-23-8649 with Domestic Assault (Gross Misdemeanor) arising

**Case No. 27-CR-22-3570****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

MCRO\_27-CR-22-3570\_Finding of Incompetency and Order\_2023-02-15\_20240429034620.pdf

File Hash: 90529382beb760be0c71c0fd6dc51130d5d190e562769503de789a3f3514fb32

Page: 2 of 5

weapons and facsimile firearms prohibited (Misdemeanor) arising from an incident alleged to have occurred on 09/10/2022.

3. On 01/11/2023, Judge Allyn ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
4. Dr. Gregory A. Hanson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
5. Dr. Gregory A. Hanson, Ph.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Kaitlin Anderson, Assistant Hennepin County Attorney – Criminal Division;  
Joseph McInnis, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.

**Case No. 27-CR-22-4087****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-22-4087\_Finding of Incompetency and Order\_2023-06-01\_20240429035306.pdf

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Page: 2 of 5

January 22, 2023. On August 9, 2022, Judge Gina Brandt found probable cause to believe that the offenses were committed and that Defendant committed them.

2. On April 3, 2022, Judge Melissa Houghtaling ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Lauren A. Herbert, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Lauren A. Herbert, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
Cory Strecker, Assistant Hennepin County Attorney – Criminal Division;  
Hilary Minor, Assistant Hennepin County Attorney – Criminal Division;  
Chase Myhran, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-22-4898****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-22-4898\_Finding of Incompetency and Order\_2024-03-12\_20240429040213.pdf

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Page: 2 of 5

from incident alleged to have occurred on April 25, 2023; and in MNCIS file 27-CR-23-25563 with Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on November 29, 2023. In the former case, on December 6, 2023, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On December 6, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Kacy Wothe, Assistant Hennepin County Attorney – Criminal Division;  
Evan Powell, Assistant Hennepin County Attorney – Criminal Division;  
Minneapolis City Attorney;  
Laura Prahl, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-22-3570****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

MCRO\_27-CR-22-3570\_Finding of Incompetency and Order\_2023-02-15\_20240429034620.pdf

File Hash: 90529382beb760be0c71c0fd6dc51130d5d190e562769503de789a3f3514fb32

Page: 3 of 5

5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

**Case No. 27-CR-22-4087****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-22-4087\_Finding of Incompetency and Order\_2023-06-01\_20240429035306.pdf

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Page: 3 of 5

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

**Case No. 27-CR-22-4898****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-22-4898\_Finding of Incompetency and Order\_2024-03-12\_20240429040213.pdf

File Hash: 746e67933909c062c465ed3df5cbedaf02796ba10d185c70404d615409dee066

Page: 3 of 5

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

**Case No. 27-CR-22-3570****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

MCRO\_27-CR-22-3570\_Finding of Incompetency and Order\_2023-02-15\_20240429034620.pdf

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Page: 4 of 5

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

**Case No. 27-CR-22-4087****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-22-4087\_Finding of Incompetency and Order\_2023-06-01\_20240429035306.pdf

File Hash: d273eb192f37e94ff92b626787e983fd1750b42c2289cbc440b4423a84a4fb07

Page: 4 of 5

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending

**Case No. 27-CR-22-4898****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-22-4898\_Finding of Incompetency and Order\_2024-03-12\_20240429040213.pdf

File Hash: 746e67933909c062c465ed3df5cbedaf02796ba10d185c70404d615409dee066

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10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Laura Prahl, Assistant Hennepin County Public Defender (laura.prahl@hennepin.us);
- c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
- d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
- e. Minneapolis City Attorney;
- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-22-3570****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

MCRO\_27-CR-22-3570\_Finding of Incompetency and Order\_2023-02-15\_20240429034620.pdf

File Hash: 90529382beb760be0c71c0fd6dc51130d5d190e562769503de789a3f3514fb32

Page: 5 of 5

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 15, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Joseph McInnis, Assistant Hennepin County Public Defender;
- c. Kaitlin Anderson, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-22-4087****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-22-4087\_Finding of Incompetency and Order\_2023-06-01\_20240429035306.pdf

File Hash: d273eb192f37e94ff92b626787e983fd1750b42c2289cbc440b4423a84a4fb07

Page: 5 of 5

the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 28, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Chase Myhran, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Cory Strecker, Assistant Hennepin County Attorney;
- e. Hilary Minor, Assistant Hennepin County Attorney;
- f. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-22-4898****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-22-4898\_Finding of Incompetency and Order\_2024-03-12\_20240429040213.pdf

File Hash: 746e67933909c062c465ed3df5cbedaf02796ba10d185c70404d615409dee066

Page: 5 of 5

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

Mercurio, Danielle  
Mar 21 2024 2:26 PM  
Referee of District Court

**BY THE COURT:**

Browne, Michael  
Mar 21 2024 3:04 PM  
Judge of District Court

**Case No. 27-CR-22-7797****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-22**

MCRO\_27-CR-22-7797\_Finding of Incompetency and Order\_2023-02-22\_20240429040528.pdf

File Hash: 4ccb2ce0b5326bbc9a91a7e5b312c2153dafaab01709d6f63725cce442d4d0b1

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-21-23628, 27-CR-7797,  
27-CR-22-9010, 27-CR-22-25134

Plaintiff,

vs.  
Carmen Bendu Greaves,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on February 21, 2023. The hearing was held remotely using the Zoom internet platform. Robert Sorenson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Madeline Baskfield, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 10/03/1978), was convicted in MNCIS file 27-CR-21-23628 with three felony charges. Defendant was charged in MNCIS file 27-CR-22-7797 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on 04/22/2022. Defendant was charged in MNCIS file 27-CR-22-9010 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on 05/06/2022. Defendant was charged in 27-CR-22-25134 with Violate No Contact Order (Felony) and Domestic Abuse (Felony) arising from an incident alleged to have occurred on 12/14/2022.
- On 01/18/2023, Referee Mercurio ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to

**Case No. 27-CR-22-7797****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-05**

MCRO\_27-CR-22-7797\_Finding of Incompetency and Order\_2024-03-05\_20240429040524.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-21-23628; 27-CR-22-  
7797; 27-CR-22-9010; 27-CR-22-25134

Plaintiff,

vs.  
Carmen Bendu Greaves,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on March 5, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Madeline Baskfield, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 10/03/1978), was convicted in MNCIS file 27-CR-21-23628 with Burglary – 1<sup>st</sup> Degree (Felony), Domestic Abuse (Felony), and Violate No Contact Order (Felony) arising from an incident that occurred on December 22, 2021. Defendant was charged in MNCIS file 27-CR-22-7797 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on April 22, 2022; in MNCIS file 27-CR-22-9010 with Violate No Contact Order (Felony) arising from an incident that occurred on May 6, 2022; and in MNCIS file 27-CR-22-25134 with Violate No Contact Order (Felony) and Domestic Abuse (Felony) arising from an incident alleged to have occurred on December 14, 2022.
- On February 2, 2024, Judge Jean Burdorf ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Catherine A. Carlson, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-22-13185****State of MN vs MARK ANTHONY REINHART**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-13**

MCRO\_27-CR-22-13185\_Finding of Incompetency and Order\_2023-04-13\_20240429161143.pdf

File Hash: efda1484d8bb3f5351e335648569d33a9bf5a9b840bb7954088ed48da803b8e

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-22-7578; 27-CR-22-  
8532; 27-CR-22-9449; 27-CR-22-10914; 27-  
CR-22-11384; 27-CR-22-13185; 27-CR-22-  
14723; 27-CR-23-2104; 27-CR-23-5213

Plaintiff,

vs.  
Mark Anthony Reinhart,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on April 11, 2023. The hearing was held remotely using the Zoom internet platform. Heidi Johnson, Minneapolis City Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Shawna Kosel, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 02/10/1962) was charged in MNCIS file 27-CR-22-13185 with Indecent Exposure/Lewdness (Gross Misdemeanor) and Indecent Exposure-Public Place, Indecent Conduct, and Disorderly Conduct (Misdemeanors) arising from an incident alleged to have occurred on July 5, 2022; MNCIS file 27-CR-22-14723 with Trespass (Gross Misdemeanor) and Disorderly Conduct (Misdemeanor) arising from an incident alleged to have occurred on June 21, 2022; MNCIS file 27-CR-23-5213 with Trespass on Critical Public Service Facilities, Pipeline, Utility (Gross Misdemeanor) and No person shall urinate or defecate except in comfort stations (Misdemeanor) arising from an incident alleged to have occurred on March 8, 2023; MNCIS file 27-CR-22-7578 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on April 21, 2022; MNCIS file 27-CR-22-8532 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on May 4, 2022; MNCIS file 27-CR-22-9449 with Disorderly Conduct (Misdemeanor) arising from an incident alleged to have occurred on May 17, 2022; MNCIS file 27-CR-22-10914 with Disorderly Conduct (Misdemeanor) arising from an incident alleged to have occurred on June 7, 2022;

**Case No. 27-CR-22-7797****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-22**

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rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Lisa Godon, Assistant Hennepin County Attorney – Criminal Division;  
Madeline Baskfield, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney’s Office – Adult Services Division (“HCAO-ASD”) within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney’s Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant’s files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical

**Case No. 27-CR-22-7797****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-05**

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4. Dr. Catherine A. Carlson, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Joshua Luger, Assistant Hennepin County Attorney – Criminal Division;  
Madeline Baskfield, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney’s Office – Adult Services Division (“HCAO-ASD”) within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney’s Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant’s files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

**Case No. 27-CR-22-13185****State of MN vs MARK ANTHONY REINHART**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-13**

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MNCIS file 27-CR-22-11384 with Public Urination Prohibited and Disorderly Conduct (Misdemeanors) arising from an incident alleged to have occurred on June 12, 2022; MNCIS file 27-CR-23-2104 with Theft (Misdemeanor) arising from an incident alleged to have occurred on January 26, 2023. On March 9, 2023, Judge Bev Benson found probable cause to believe that the offenses were committed and that Defendant committed them.

2. On March 9, 2023, Judge Bev Benson ordered that Defendant undergo an evaluation to assess Defendant’s competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant’s records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristen Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charges. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten days of the date of service.  
Heidi Johnston, Minneapolis City Attorney – Criminal Division;  
Bloomington City Attorney;  
Christopher Renz, Attorney for Metropolitan Airports Commission;  
Shawna Kosel, Assistant Hennepin County Public Defender

**Case No. 27-CR-22-7797****State of MN vs Carmen Bendu Greaves**

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dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received

**Case No. 27-CR-22-7797****State of MN vs Carmen Bendu Greaves**

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treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours.

**Case No. 27-CR-22-13185****State of MN vs MARK ANTHONY REINHART**

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3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure

**Case No. 27-CR-22-7797****State of MN vs Carmen Bendu Greaves**

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in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 22, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Madeline Baskfield, Assistant Hennepin County Public Defender;
  - c. Lisa Godon, Assistant Hennepin County Attorney;
  - d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-22-7797****State of MN vs Carmen Bendu Greaves**

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This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 3, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Madeline Baskfield, Assistant Hennepin County Public Defender;
  - c. Joshua Luger, Assistant Hennepin County Attorney;

**Case No. 27-CR-22-13185****State of MN vs MARK ANTHONY REINHART**

Filing Type: ·Finding of Incompetency and Order-

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facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least fourteen (14) days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed;

**Case No. 27-CR-22-7797****State of MN vs Carmen Bendu Greaves**

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e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**Referee of District CourtJudge of District Court**Case No. 27-CR-22-7797****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-05**

MCRO\_27-CR-22-7797\_Finding of Incompetency and Order\_2024-03-05\_20240429040524.pdf

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d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

Browne, Michael  
Mar 5 2024 3:12 PM  
Judge of District Court**Case No. 27-CR-22-13185****State of MN vs MARK ANTHONY REINHART**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-13**

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2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 10, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Shawna Kosel, Assistant Hennepin County Public Defender;
- c. Heidi Johnston, Minneapolis City Attorney – Criminal Division;
- d. Bloomington City Attorney;
- e. Christopher Renz, Attorney for Metropolitan Airports Commission;
- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**Judge of District Court

**Case No. 27-CR-22-14493****State of MN vs TIMOTHY TERRELL STUCKEY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-27**

MCRO\_27-CR-22-14493\_Finding of Incompetency and Order\_2024-02-27\_20240429161527.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**State of Minnesota,  
Plaintiff,vs.  
Timothy Terrell Stuckey,  
Defendant.Court File No. 27-CR-23-9546;  
27-CR-22-14493  
**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on February 27, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 11/28/1978), was charged in MNCIS file 27-CR-23-9546 with Simple Robbery (Felony) arising from an incident alleged to have occurred on May 5, 2023; and in MNCIS file 27-CR-22-14493 with Theft (Misdemeanor) arising from an incident alleged to have occurred on July 1, 2022. On June 7, 2023, Judge William Koch found probable cause to believe that the felony offense was committed and that Defendant committed it.
2. On January 29, 2024, Judge William Koch ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Jennifer Flowers, Ph.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Jennifer Flowers, Ph.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-22-17300****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-22-17300\_Finding of Incompetency and Order\_2023-05-02\_20240429162002.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**State of Minnesota,  
Plaintiff,vs.  
Lucas Patrick Kraskey,  
Defendant.

Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-22-21679, 27-CR-22-24045, 27-CR-23-385, 27-CR-23-5751, 27-CR-23-6188

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney and Megan Griffin, Attorney with the City of Minneapolis, represented the plaintiffs. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor - MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-22-17300****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**State of Minnesota,  
Plaintiff,vs.  
Lucas Patrick Kraskey,  
Defendant.

Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-23-5751

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on October 31, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistant Minneapolis City Attorney, also represented the plaintiff. Defendant was represented by Andrew J. Reiland, II, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-22-14493****State of MN vs TIMOTHY TERRELL STUCKEY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2024-02-27

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Page: 2 of 5

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Maria Mulvihill, Assistant Hennepin County Attorney – Criminal Division;  
Christine Irfanullah, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals;

**Case No. 27-CR-22-17300****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-05-02

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to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (GMD) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On March 28, 2023, Judge Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.  
Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Tom Arneson, Assistant Hennepin County Attorney – Criminal Division; and

**Case No. 27-CR-22-17300****State of MN vs Lucas Patrick Kraskey**

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23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; and in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023.

2. On August 22, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
Christopher Freeman, Assistant Hennepin County Attorney – Criminal Division;  
Heidi Johnston, Minneapolis City Attorney;  
Andrew Reiland, II, Assistant Hennepin County Public Defender

**Case No. 27-CR-22-14493****State of MN vs TIMOTHY TERRELL STUCKEY**

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physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

**Case No. 27-CR-22-17300****State of MN vs Lucas Patrick Kraskey**

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Megan Griffin, City of Minneapolis Attorney

Susan Herlofsky, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

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4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

**Case No. 27-CR-22-14493****State of MN vs TIMOTHY TERRELL STUCKEY**

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may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 27, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Christine Irfanullah, Assistant Hennepin County Public Defender (Christine.irfanullah@hennepin.us);
- c. Maria Mulvihill, Assistant Hennepin County Attorney (maria.mulvihill@hennepin.us);
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-22-17300****State of MN vs Lucas Patrick Kraskey**

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9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended

**Case No. 27-CR-22-17300****State of MN vs Lucas Patrick Kraskey**

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to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 30, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Andrew Reiland, II, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Christopher Freeman, Assistant Hennepin County Attorney;
- e. Heidi Johnston, Minneapolis City Attorney;

**Case No. 27-CR-22-14493****State of MN vs TIMOTHY TERRELL STUCKEY**

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e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

Dayton Klein, Julia  
Feb 27 2024 4:28 PM  
Judge of District Court

**Case No. 27-CR-22-17300****State of MN vs Lucas Patrick Kraskey**

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conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 31, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Tom Arneson, Assistant Hennepin County Public Defender;
- c. Susan Herlofsky, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. Megan Griffin, City of Minneapolis Attorney; and
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

Referee of District Court

Judge of District Court

**Case No. 27-CR-22-17300****State of MN vs Lucas Patrick Kraskey**

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f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**\_\_\_\_\_  
Judge of District Court

**Case No. 27-CR-22-19036****State of MN vs Crystal Latasha Mcbounds**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-21**

MCRO\_27-CR-22-19036\_Finding of Incompetency and Order\_2023-06-21\_20240429162550.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-22-19036, 27-CR-19-  
20828, 27-CR-23-1481

Plaintiff,

vs.  
Crystal Latasha Mcbounds,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on June 20, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Allison Chadwick, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 01/24/1998), was charged in MNCIS file 27-CR-22-19036 with 2<sup>nd</sup> Degree Assault (Felony) arising from an incident alleged to have occurred on July 15, 2022. On November 28, 2022, Judge Carolina Lamas found probable cause to believe that the offense was committed and that Defendant committed it. Defendant was charged in MNCIS file 27-CR-19-20828 with Disorderly Conduct- Brawling or Fighting (Misdemeanor) arising from an incident alleged to have occurred on August 23, 2019 and charged in MNCIS file 27-CR-23-1481 with Assault-5th Degree-Inflict or Attempt Bodily Harm and Disorderly Conduct- Brawling or Fighting (Misdemeanor) arising from an incident alleged to have occurred on July 16, 2022. On January 25, 2023, Judge Carolina Lamas found probable cause to believe that the offenses were committed and that Defendant committed them.
- On May 2, 2023, Judge Julie Allyn ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

**Case No. 27-CR-22-21679****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-21-6904, 27-CR-21-  
8067, 27-CR-21-8227, 27-CR-21-8228, 27-  
CR-21-8229, 27-CR-21-8230, 27-CR-21-8511,  
27-CR-22-17300, 27-CR-22-21679, 27-CR-  
22-24045, 27-CR-23-385, 27-CR-23-5751, 27-  
CR-23-6188

Plaintiff,

vs.

Lucas Patrick Kraskey,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney and Megan Griffin, Attorney with the City of Minneapolis, represented the plaintiffs. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor – MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged

**Case No. 27-CR-22-21925****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-16**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-22-21925, 27-CR-22-  
23317, 27-CR-23-512

Plaintiff,

vs.  
Aldinour Mohamed Alasow,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on February 14, 2023. The hearing was held remotely using the Zoom internet platform. Robert Sorenson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 01/01/1997), was charged in MNCIS file 27-CR-22-21925 with Trespass (Gross Misdemeanor) and Interfere with Privacy (Gross Misdemeanor) arising from an incident alleged to have occurred on 04/15/2022. Defendant was charged in MNCIS file 27-CR-23-512 with Trespass (Gross Misdemeanor) and Indecent Exposure (Misdemeanor) arising from an incident alleged to have occurred on 01/05/2023. On 01/09/2023, Judge Siegesmund found probable cause to believe that the offenses were committed, and that Defendant committed them.
- Defendant was also charged in MNCIS file 27-CR-22-23317 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on 08/04/2022.
- On 01/09/2023, Judge Siegesmund ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
- Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-22-19036****State of MN vs Crystal Latasha Mcbounds**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-21**

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3. Dr. Katheryn Cranbrook, PsyD, ABPP, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Katheryn Cranbrook, PsyD, ABPP, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Samuel Colich, Assistant Hennepin County Attorney – Criminal Division;  
Allison Chadwick, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

**Case No. 27-CR-22-21679****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (GMD) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On March 28, 2023, Judge Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

3. Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Tom Arneson, Assistant Hennepin County Attorney – Criminal Division; and

**Case No. 27-CR-22-21925****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-16**

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5. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

John Monnens, Assistant Hennepin County Attorney;

Christopher Renz, Prosecuting Attorney for Metropolitan Airports Commission;

Rebecca Noothed and Freya Whiting, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

**Case No. 27-CR-22-19036****State of MN vs Crystal Latasha Mcbounds**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-21**

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7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all

**Case No. 27-CR-22-21679****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

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Megan Griffin, City of Minneapolis Attorney

Susan Herlofsky, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.

**Case No. 27-CR-22-21925****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-16**

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7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all

**Case No. 27-CR-22-19036****State of MN vs Crystal Latasha Mcbounds**

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information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is December 19, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

**Case No. 27-CR-22-21679****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 15, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

**Case No. 27-CR-22-21925****State of MN vs Abdirou Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-16**

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information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 15, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

**Case No. 27-CR-22-19036****State of MN vs Crystal Latasha Mcbounds**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-21**

MCRO\_27-CR-22-19036\_Finding of Incompetency and Order\_2023-06-21\_20240429162550.pdf

File Hash: 9eeaca664e6576663ead9aef2d21834b96320bad5af09ec01ac9b31ff3b26e9

Page: 5 of 5

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Allison Chadwick, Assistant Hennepin County Public Defender;
- c. Samuel Colich, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney’s Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County’s Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-22-21679****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-22-21679\_Finding of Incompetency and Order\_2023-05-02\_20240429162858.pdf

File Hash: 77d353acecf675e3655bd180815f6d98f9da0de842def4faa7008cb633141d6

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conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant’s treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant’s next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant’s competence to proceed is October 31, 2023. One week prior to that date, reports regarding Defendant’s competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Tom Arneson, Assistant Hennepin County Public Defender;
- c. Susan Herlofsky, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney’s Office – Adult Services Division (if a commitment is ordered);
- e. Megan Griffin, City of Minneapolis Attorney; and
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County’s Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-22-21925****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-16**

MCRO\_27-CR-22-21925\_Finding of Incompetency and Order\_2023-02-16\_20240429162956.pdf

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- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Rebecca Noothed, Assistant Hennepin County Public Defender;
- c. Freya Whiting, Assistant Hennepin County Public Defender;
- d. John Monnens, Assistant Hennepin County Attorney;
- e. Christopher Renz, Prosecuting Attorney for Metropolitan Airports Commission;
- f. Assistant Hennepin County Attorney’s Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County’s Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

**Case No. 27-CR-22-22521****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

MCRO\_27-CR-22-22521\_Finding of Incompetency and Order\_2023-02-15\_20240429163112.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**State of Minnesota,  
Plaintiff,vs.  
Dennis Joseph Barry,  
Defendant.Court File No. 27-CR-22-22521, 27-CR-21-  
10675, 27-CR-21-11624, 27-CR-21-21893,  
27-CR-22-3570, 27-CR-22-17662, 27-CR-22-  
18518**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on February 14, 2023. The hearing was held remotely using the Zoom internet platform. Robert Sorenson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 05/14/1977), was charged in MNCIS file 27-CR-22-22521 with five counts of 2<sup>nd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on 08/02/2022. On 01/11/2023, Judge Allyn found probable cause to believe that the offenses were committed and that Defendant committed them.
- Defendant was also charged in MNCIS file 27-CR-21-10675 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on 05/03/2021. Defendant was charged in MNCIS file 27-CR-21-11624 with Theft (Misdemeanor) arising from an incident alleged to have occurred on 06/20/2021. Defendant was charged in MNCIS file 27-CR-21-21893 with Possession of drug paraphernalia in a public place (Misdemeanor) arising from an incident alleged to have occurred on 11/28/2021. Defendant was charged in MNCIS file 27-CR-22-3570 with Threats of Violence (Felony) arising from an incident alleged to have occurred on 02/20/2022. Defendant was charged in MNCIS file 27-CR-22-17662 with Criminal Damage to Property (Misdemeanor) arising from an incident alleged to have occurred on 09/02/2022. Defendant was charged in MNCIS file 27-CR-22-18518 with Carrying

**Case No. 27-CR-22-22963****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-22-22963\_Finding of Incompetency and Order\_2023-06-01\_20240429163939.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.  
Gordon Eugene Sharp, Jr.,  
Defendant.Court File No. 27-CR-21-1980, 27-CR-21-  
20072, 27-CR-21-20988, 27-CR-21-21355,  
27-CR-21-23188, 27-CR-21-23215, 27-CR-  
22-4087, 27-CR-22-22963, 27-CR-23-1752**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on May 30, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 05/13/1988), was charged in MNCIS file 27-CR-21-1980 with Theft (Felony) arising from an incident alleged to have occurred on January 27, 2021; in MNCIS file 27-CR-21-20072 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on October 1, 2021; in MNCIS file 27-CR-21-20988 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on November 9, 2021; in MNCIS file 27-CR-21-21355 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred November 16, 2021; in MNCIS file 27-CR-21-23188 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 11, 2021; in MNCIS file 27-CR-21-23215 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 16, 2021; in MNCIS file 27-CR-22-4087 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on December 9, 2021; in MNCIS file 27-CR-22-22963 with 3<sup>rd</sup> Degree Burglary (Felony) arising from an incident alleged to have occurred on May 27, 2022; and in MNCIS file 27-CR-23-1752 with 4<sup>th</sup> Degree Damage to Property and Trespass (Misdemeanor) arising from an incident alleged to have occurred on

**Case No. 27-CR-22-23317****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-16**

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.  
Abdinour Mohamed Alasow,  
Defendant.Court File No. 27-CR-22-21925, 27-CR-22-  
23317, 27-CR-23-512**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on February 14, 2023. The hearing was held remotely using the Zoom internet platform. Robert Sorenson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 01/01/1997), was charged in MNCIS file 27-CR-22-21925 with Trespass (Gross Misdemeanor) and Interfere with Privacy (Gross Misdemeanor) arising from an incident alleged to have occurred on 04/15/2022. Defendant was charged in MNCIS file 27-CR-23-512 with Trespass (Gross Misdemeanor) and Indecent Exposure (Misdemeanor) arising from an incident alleged to have occurred on 01/05/2023. On 01/09/2023, Judge Siegesmund found probable cause to believe that the offenses were committed, and that Defendant committed them.
- Defendant was also charged in MNCIS file 27-CR-22-23317 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on 08/04/2022.
- On 01/09/2023, Judge Siegesmund ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
- Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-22-22521****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-02-15

MCRO\_27-CR-22-22521\_Finding of Incompetency and Order\_2023-02-15\_20240429163112.pdf

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weapons and facsimile firearms prohibited (Misdemeanor) arising from an incident alleged to have occurred on 09/10/2022.

3. On 01/11/2023, Judge Allyn ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
4. Dr. Gregory A. Hanson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
5. Dr. Gregory A. Hanson, Ph.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Kaitlin Anderson, Assistant Hennepin County Attorney – Criminal Division;  
Joseph McInnis, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.

**Case No. 27-CR-22-22963****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-06-01

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Page: 2 of 5

January 22, 2023. On August 9, 2022, Judge Gina Brandt found probable cause to believe that the offenses were committed and that Defendant committed them.

2. On April 3, 2022, Judge Melissa Houghtaling ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Lauren A. Herbert, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Lauren A. Herbert, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
Cory Strecker, Assistant Hennepin County Attorney – Criminal Division;  
Hilary Minor, Assistant Hennepin County Attorney – Criminal Division;  
Chase Myhran, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-22-23317****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-02-16

MCRO\_27-CR-22-23317\_Finding of Incompetency and Order\_2023-02-16\_20240429164130.pdf

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5. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
John Monnens, Assistant Hennepin County Attorney;  
Christopher Renz, Prosecuting Attorney for Metropolitan Airports Commission;  
Rebecca Noothed and Freya Whiting, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

**Case No. 27-CR-22-22521****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

MCRO\_27-CR-22-22521\_Finding of Incompetency and Order\_2023-02-15\_20240429163112.pdf

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Page: 3 of 5

5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

**Case No. 27-CR-22-22963****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-22-22963\_Finding of Incompetency and Order\_2023-06-01\_20240429163939.pdf

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Page: 3 of 5

4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all

**Case No. 27-CR-22-23317****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-16**

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**Case No. 27-CR-22-22521****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

MCRO\_27-CR-22-22521\_Finding of Incompetency and Order\_2023-02-15\_20240429163112.pdf

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Page: 4 of 5

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

**Case No. 27-CR-22-22963****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-22-22963\_Finding of Incompetency and Order\_2023-06-01\_20240429163939.pdf

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Page: 4 of 5

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

**Case No. 27-CR-22-23317****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-16**

MCRO\_27-CR-22-23317\_Finding of Incompetency and Order\_2023-02-16\_20240429164130.pdf

File Hash: 7ce28da91697109958d7f0514c22529b397d652456c0014e13b33f1417e79d9c

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information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 15, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

**Case No. 27-CR-22-22521****State of MN vs Dennis Joseph Barry**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-15**

MCRO\_27-CR-22-22521\_Finding of Incompetency and Order\_2023-02-15\_20240429163112.pdf

File Hash: c975ffd77e5a7c3fec104b891c33f6504b908df1930053b7523ffb8165ede3f7

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14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 15, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Joseph McInnis, Assistant Hennepin County Public Defender;
- c. Kaitlin Anderson, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-22-22963****State of MN vs GORDON EUGENE SHARP, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-22-22963\_Finding of Incompetency and Order\_2023-06-01\_20240429163939.pdf

File Hash: 2cdeed6c528997c9dbe260a8c4845f70611e38d7f7e8e31e9c1b5489225ad1f6

Page: 5 of 5

the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 28, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Chase Myhran, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Cory Strecker, Assistant Hennepin County Attorney;
- e. Hilary Minor, Assistant Hennepin County Attorney;
- f. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-22-23317****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-16**

MCRO\_27-CR-22-23317\_Finding of Incompetency and Order\_2023-02-16\_20240429164130.pdf

File Hash: 7ce28da91697109958d7f0514c22529b397d652456c0014e13b33f1417e79d9c

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- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Rebecca Noothed, Assistant Hennepin County Public Defender;
- c. Freya Whiting, Assistant Hennepin County Public Defender;
- d. John Monnens, Assistant Hennepin County Attorney;
- e. Christopher Renz, Prosecuting Attorney for Metropolitan Airports Commission;
- f. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

**Case No. 27-CR-22-24045****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-22-24045\_Finding of Incompetency and Order\_2023-05-02\_20240429164219.pdf

File Hash: 5fbdcce9b89968581195afe0e943d7fa5423f2e736317d170076a6a09b27ded6

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Lucas Patrick Kraskey,

Defendant.

Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-22-21679, 27-CR-22-24045, 27-CR-23-385, 27-CR-23-5751, 27-CR-23-6188

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Megan Griffin, Attorney with the City of Minneapolis, represented the plaintiffs. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor – MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged

**Case No. 27-CR-22-24627****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-22-24627\_Finding of Incompetency and Order\_2023-03-08\_20240429164355.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-20-6517, 27-CR-21-23131, 27-CR-22-24627

Plaintiff,

vs.

Rex Allen Basswood, Jr.,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on March 7, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Chelsea Knutson, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 07/19/1989), was charged in MNCIS file 27-CR-20-6517 with Theft (Felony) arising from an incident alleged to have occurred on 02/06/2020; in MNCIS file 27-CR-21-23131 with Theft (Felony) arising from an incident alleged to have occurred on 12/14/2021; and in MNCIS file 27-CR-22-24627 with Simple Robbery (Felony) arising from an incident alleged to have occurred on 11/08/2022.
- On 12/30/2022, Judge Michael Browne ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-22-25134****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-22**

MCRO\_27-CR-22-25134\_Finding of Incompetency and Order\_2023-02-22\_20240429164457.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-21-23628, 27-CR-7797, 27-CR-22-9010, 27-CR-22-25134

Plaintiff,

vs.  
Carmen Bendu Greaves,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on February 21, 2023. The hearing was held remotely using the Zoom internet platform. Robert Sorenson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Madeline Baskfield, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 10/03/1978), was convicted in MNCIS file 27-CR-21-23628 with three felony charges. Defendant was charged in MNCIS file 27-CR-22-7797 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on 04/22/2022. Defendant was charged in MNCIS file 27-CR-22-9010 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on 05/06/2022. Defendant was charged in 27-CR-22-25134 with Violate No Contact Order (Felony) and Domestic Abuse (Felony) arising from an incident alleged to have occurred on 12/14/2022.
- On 01/18/2023, Referee Mercurio ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-22-24045****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-22-24045\_Finding of Incompetency and Order\_2023-05-02\_20240429164219.pdf

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to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (GMD) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On March 28, 2023, Judge Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Tom Arneson, Assistant Hennepin County Attorney – Criminal Division; and

**Case No. 27-CR-22-24627****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-22-24627\_Finding of Incompetency and Order\_2023-03-08\_20240429164355.pdf

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**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Daniel Provencher, Assistant Hennepin County Attorney – Criminal Division;  
Chelsea Knutson, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation

**Case No. 27-CR-22-25134****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-22**

MCRO\_27-CR-22-25134\_Finding of Incompetency and Order\_2023-02-22\_20240429164457.pdf

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rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Lisa Godon, Assistant Hennepin County Attorney – Criminal Division;  
Madeline Baskfield, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation

**Case No. 27-CR-22-24045****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-22-24045\_Finding of Incompetency and Order\_2023-05-02\_20240429164219.pdf

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Megan Griffin, City of Minneapolis Attorney

Susan Herlofsky, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.

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**Case No. 27-CR-22-24627****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-22-24627\_Finding of Incompetency and Order\_2023-03-08\_20240429164355.pdf

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agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

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**Case No. 27-CR-22-25134****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-22**

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dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

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**Case No. 27-CR-22-24045****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-22-24045\_Finding of Incompetency and Order\_2023-05-02\_20240429164219.pdf

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9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended

**Case No. 27-CR-22-24627****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

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Page: 4 of 5

may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 5, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Chelsea Knutson, Assistant Hennepin County Public Defender;
- c. Daniel Provencher, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-22-25134****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-22**

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Page: 4 of 5

in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 22, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Madeline Baskfield, Assistant Hennepin County Public Defender;
- c. Lisa Godon, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-22-24045****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-22-24045\_Finding of Incompetency and Order\_2023-05-02\_20240429164219.pdf

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conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 31, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Tom Arneson, Assistant Hennepin County Public Defender;
- c. Susan Herlofsky, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. Megan Griffin, City of Minneapolis Attorney; and
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-22-24627****State of MN vs Rex Allen Basswood, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-22-24627\_Finding of Incompetency and Order\_2023-03-08\_20240429164355.pdf

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e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-22-25134****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-22**

MCRO\_27-CR-22-25134\_Finding of Incompetency and Order\_2023-02-22\_20240429164457.pdf

File Hash: c2b1efab1f9fcfc0068ea321a74883d3c6002155800fd437ff289afc9230dab8b

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e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

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Referee of District Court**BY THE COURT:**

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Judge of District Court

**Case No. 27-CR-22-25134****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order·

Filing Date: **2024-03-05**

MCRO\_27-CR-22-25134\_Finding of Incompetency and Order\_2024-03-05\_20240429164453.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-21-23628; 27-CR-22-7797; 27-CR-22-9010; 27-CR-22-25134

Plaintiff,

vs.  
Carmen Bendu Greaves,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on March 5, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Madeline Baskfield, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 10/03/1978), was convicted in MNCIS file 27-CR-21-23628 with Burglary – 1<sup>st</sup> Degree (Felony), Domestic Abuse (Felony), and Violate No Contact Order (Felony) arising from an incident that occurred on December 22, 2021. Defendant was charged in MNCIS file 27-CR-22-7797 with Violate No Contact Order (Felony) arising from an incident alleged to have occurred on April 22, 2022; in MNCIS file 27-CR-22-9010 with Violate No Contact Order (Felony) arising from an incident that occurred on May 6, 2022; and in MNCIS file 27-CR-22-25134 with Violate No Contact Order (Felony) and Domestic Abuse (Felony) arising from an incident alleged to have occurred on December 14, 2022.
- On February 2, 2024, Judge Jean Burdorf ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Catherine A. Carlson, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-23-385****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order·

Filing Date: **2023-05-02**

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-22-21679, 27-CR-22-24045, 27-CR-23-385, 27-CR-23-5751, 27-CR-23-6188

Plaintiff,

vs.

Lucas Patrick Kraskey,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney and Megan Griffin, Attorney with the City of Minneapolis, represented the plaintiffs. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor – MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged

**Case No. 27-CR-23-512****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order·

Filing Date: **2023-02-16**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-22-21925, 27-CR-22-23317, 27-CR-23-512

Plaintiff,

vs.  
Aldinour Mohamed Alasow,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on February 14, 2023. The hearing was held remotely using the Zoom internet platform. Robert Sorenson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 01/01/1997), was charged in MNCIS file 27-CR-22-21925 with Trespass (Gross Misdemeanor) and Interfere with Privacy (Gross Misdemeanor) arising from an incident alleged to have occurred on 04/15/2022. Defendant was charged in MNCIS file 27-CR-23-512 with Trespass (Gross Misdemeanor) and Indecent Exposure (Misdemeanor) arising from an incident alleged to have occurred on 01/05/2023. On 01/09/2023, Judge Siegesmund found probable cause to believe that the offenses were committed, and that Defendant committed them.
- Defendant was also charged in MNCIS file 27-CR-22-23317 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on 08/04/2022.
- On 01/09/2023, Judge Siegesmund ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
- Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-22-25134****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-05**

MCRO\_27-CR-22-25134\_Finding of Incompetency and Order\_2024-03-05\_20240429164453.pdf

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4. Dr. Catherine A. Carlson, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Joshua Luger, Assistant Hennepin County Attorney – Criminal Division;  
Madeline Baskfield, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

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**Case No. 27-CR-23-385****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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Page: 2 of 5

to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (GMD) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On March 28, 2023, Judge Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Tom Arneson, Assistant Hennepin County Attorney – Criminal Division; and

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**Case No. 27-CR-23-512****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-16**

MCRO\_27-CR-23-512\_Finding of Incompetency and Order\_2023-02-16\_20240430071935.pdf

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5. Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

John Monnens, Assistant Hennepin County Attorney;

Christopher Renz, Prosecuting Attorney for Metropolitan Airports Commission;

Rebecca Noothed and Freya Whiting, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

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**Case No. 27-CR-22-25134****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-05**

MCRO\_27-CR-22-25134\_Finding of Incompetency and Order\_2024-03-05\_20240429164453.pdf

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Page: 3 of 5

treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours.

**Case No. 27-CR-23-385****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-23-385\_Finding of Incompetency and Order\_2023-05-02\_20240430071836.pdf

File Hash: 69aee13b27283ee64ab2f3fc4da451fadf43986c1a84db0c16ff44f1bf27d88

Page: 3 of 5

Megan Griffin, City of Minneapolis Attorney

Susan Herlofsky, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.

**Case No. 27-CR-23-512****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-16**

MCRO\_27-CR-23-512\_Finding of Incompetency and Order\_2023-02-16\_20240430071935.pdf

File Hash: c7eb18871e56574ed2d1a3629b7d5a8dee69f9386f06da2fdcd60702744eda4

Page: 3 of 5

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all

**Case No. 27-CR-22-25134****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-05**

MCRO\_27-CR-22-25134\_Finding of Incompetency and Order\_2024-03-05\_20240429164453.pdf

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Page: 4 of 5

This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 3, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Madeline Baskfield, Assistant Hennepin County Public Defender;
- c. Joshua Luger, Assistant Hennepin County Attorney;

**Case No. 27-CR-23-385****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-23-385\_Finding of Incompetency and Order\_2023-05-02\_20240430071836.pdf

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9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 15, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

**Case No. 27-CR-23-512****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-16**

MCRO\_27-CR-23-512\_Finding of Incompetency and Order\_2023-02-16\_20240430071935.pdf

File Hash: c7eb18871e56574ed2d1a3629b7d5a8dee69f9386f06da2fdcd60702744eda4

Page: 4 of 5

information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 15, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

**Case No. 27-CR-22-25134****State of MN vs Carmen Bendu Greaves**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-05**

MCRO\_27-CR-22-25134\_Finding of Incompetency and Order\_2024-03-05\_20240429164453.pdf

File Hash: 80b459611307fb894888161ba5df9d00cea2bbecd24652289d51101a3ce4e527

Page: 5 of 5

d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

Browne, Michael  
Mar 5 2024 3:12 PM  
Judge of District Court

**Case No. 27-CR-23-385****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-23-385\_Finding of Incompetency and Order\_2023-05-02\_20240430071836.pdf

File Hash: 69aee13b27283ee64ab2f3fcfa4da451fadf43986c1a84db0c16ff44f1bf27d88

Page: 5 of 5

conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 31, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Tom Arneson, Assistant Hennepin County Public Defender;
- c. Susan Herlofsky, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. Megan Griffin, City of Minneapolis Attorney; and
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**Order Recommended By:****BY THE COURT:**


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Referee of District Court

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Judge of District Court

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**Case No. 27-CR-23-512****State of MN vs Abdinour Mohamed Alasow**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-02-16**

MCRO\_27-CR-23-512\_Finding of Incompetency and Order\_2023-02-16\_20240430071935.pdf

File Hash: c7eb18871e56574ed2d1a3629b7d5a8deee69f9386f06da2fdcd60702744eda4

Page: 5 of 5

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Rebecca Noothed, Assistant Hennepin County Public Defender;
- c. Freya Whiting, Assistant Hennepin County Public Defender;
- d. John Monnens, Assistant Hennepin County Attorney;
- e. Christopher Renz, Prosecuting Attorney for Metropolitan Airports Commission;
- f. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**Order Recommended By:****BY THE COURT:**


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Referee of District Court

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Judge of District Court

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**Case No. 27-CR-23-2480****State of MN vs Sandra Vongsaphay**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-03-08

MCRO\_27-CR-23-2480\_Finding of Incompetency and Order\_2023-03-08\_20240430072640.pdf

File Hash: 0de990454f3f68ba743c9383d2269b7eced1721500ac0872e0ace429a1886931

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-23-2480

Plaintiff,

vs.

Sandra Vongsaphay,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on March 7, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 01/01/1981) was charged in MNCIS file 27-CR-23-2480 with 2<sup>nd</sup> Degree Burglary (Felony) and Financial Transaction Card Fraud (Gross Misdemeanor) arising from an incident alleged to have occurred on 01/30/2023. On 02/02/2023, Judge Allyn found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On 02/02/2022, Judge Allyn ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Gregory Hanson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Gregory Hanson, Ph.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-23-2480****State of MN vs Sandra Vongsaphay**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2024-04-04

MCRO\_27-CR-23-2480\_Finding of Incompetency and Order\_2024-04-04\_20240430072631.pdf

File Hash: f80be50c533dd948cc53198c47906ccac4c685a742f88e6156d7b630fcab2a96

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-21-5142; 27-CR-22-18824; 27-CR-23-2480; 27-CR-23-16937

Plaintiff,

vs.

Sandra Vongsaphay,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on April 2, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Christine Irfanullah, Assistant Hennepin County Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 01/01/1981), was charged in MNCIS file 27-CR-21-5142 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on January 26, 2021; in MNCIS file 27-CR-22-18824 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on September 19, 2022; in MNCIS file 27-CR-23-2480 with Burglary – 2<sup>nd</sup> Degree (Felony) and Financial Transaction Card Fraud – Use – No Consent (Gross Misdemeanor) arising from an incident alleged to have occurred on January 30, 2023; and in MNCIS file 27-CR-23-16937 with Drugs – 5<sup>th</sup> Degree (Felony) and Theft (Misdemeanor) arising from an incident alleged to have occurred on August 8, 2023. In the former case, on September 21, 2022, Judge Luis Bartolomei found probable cause to believe that the offense was committed and that Defendant committed it.
2. On February 27, 2024, Judge Mark Kappelhoff ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.

**Case No. 27-CR-23-3198****State of MN vs AARON DASHAUN CHERRY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-12-11

MCRO\_27-CR-23-3198\_Finding of Incompetency and Order\_2023-12-11\_20240430072731.pdf

File Hash: 1445e98e4ea0b554ac3ca34abbc06471665df6a65cd7c1cf8534d045acec18d4

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-23-3198; 27-CR-21-19577

Plaintiff,

vs.

Aaron Dashau Cherry  
a/k/a Aaron D. Cherry  
a/k/a Aaron Deshaun Cherry,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on November 17, 2023. The hearing was held remotely using the Zoom internet platform. Joshua Luger, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Chelsea Knutson, Esq.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 08/19/1994), was charged in MNCIS file 27-CR-23-3198 with Violate No Contact Order (Felony), and Domestic Assault (Felony), arising from an incident alleged to have occurred on February 8, 2023. Defendant was also charged with Domestic Assault (Felony), arising from an incident alleged to have occurred on October 18, 2021. On March 6, 2023, Judge Koch found probable cause to believe that the offenses were committed, and that Defendant committed them.
2. On July 31, 2023, Judge Koch ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Lauren A. Herbert, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-23-2480****State of MN vs Sandra Vongsaphay**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-03-08

MCRO\_27-CR-23-2480\_Finding of Incompetency and Order\_2023-03-08\_20240430072640.pdf

File Hash: 0de990454f3f68ba743c9383d2269b7eced1721500ac0872e0ace429a1886931

Page: 2 of 5

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.
 

Thomas Manewitz, Assistant Hennepin County Attorney – Criminal Division;  
Alicia Granse, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation

**Case No. 27-CR-23-2480****State of MN vs Sandra Vongsaphay**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2024-04-04

MCRO\_27-CR-23-2480\_Finding of Incompetency and Order\_2024-04-04\_20240430072631.pdf

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Page: 2 of 5

3. Dr. Amanda Powers, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

4. Dr. Amanda Powers, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.
 

Mawerdi Hamid, Assistant Hennepin County Attorney – Criminal Division;  
Thomas Manewitz, Assistant Hennepin County Attorney – Criminal Division;  
Christine Irfanullah, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.

**Case No. 27-CR-23-3198****State of MN vs AARON DASHAUN CHERRY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-12-11

MCRO\_27-CR-23-3198\_Finding of Incompetency and Order\_2023-12-11\_20240430072731.pdf

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4. A contested competency hearing was held on November 17, 2023, and Referee Skibbie determined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.
 

Joshua Luger, Assistant Hennepin County Attorney – Criminal Division;  
Chelsea Knutson, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

**Case No. 27-CR-23-2480****State of MN vs Sandra Vongsaphay**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-03-08

MCRO\_27-CR-23-2480\_Finding of Incompetency and Order\_2023-03-08\_20240430072640.pdf

File Hash: 0de990454f3f68ba743c9383d2269b7eced1721500ac0872e0ace429a1886931

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agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

**Case No. 27-CR-23-2480****State of MN vs Sandra Vongsaphay**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2024-04-04

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6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.

9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours.

**Case No. 27-CR-23-3198****State of MN vs AARON DASHAUN CHERRY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-12-11

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File Hash: 1445e98e4ea0b554ac3ca34abbc06471665df6a65cd7c1cf8534d045acec18d4

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treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.

9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours.

**Case No. 27-CR-23-2480****State of MN vs Sandra Vongsaphay**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-03-08

MCRO\_27-CR-23-2480\_Finding of Incompetency and Order\_2023-03-08\_20240430072640.pdf

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may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 5, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Alicia Granse, Assistant Hennepin County Public Defender;
- c. Thomas Manewitz, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-23-2480****State of MN vs Sandra Vongsaphay**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2024-04-04

MCRO\_27-CR-23-2480\_Finding of Incompetency and Order\_2024-04-04\_20240430072631.pdf

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this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 1, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

**Case No. 27-CR-23-3198****State of MN vs AARON DASHAUN CHERRY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-12-11

MCRO\_27-CR-23-3198\_Finding of Incompetency and Order\_2023-12-11\_20240430072731.pdf

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This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is June 18, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Chelsea Knutson, Assistant Hennepin County Public Defender;
- c. Joshua Luger, Assistant Hennepin County Attorney;

**Case No. 27-CR-23-2480****State of MN vs Sandra Vongsaphay**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-08**

MCRO\_27-CR-23-2480\_Finding of Incompetency and Order\_2023-03-08\_20240430072640.pdf

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e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**


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 Judge of District Court
**Case No. 27-CR-23-2480****State of MN vs Sandra Vongsaphay**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-04-04**

MCRO\_27-CR-23-2480\_Finding of Incompetency and Order\_2024-04-04\_20240430072631.pdf

File Hash: f80be50c533dd948cc53198c47906ccac4c685a742f88e6156d7b630fcab2a96

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prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Christine Irfanullah, Assistant Hennepin County Public Defender;
- c. Mawerdi Hamid, Assistant Hennepin County Attorney;
- d. Thomas Manewitz, Assistant Hennepin County Attorney;
- e. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

Dated: April 4, 2024

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 Judge of District Court

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**Case No. 27-CR-23-3198****State of MN vs AARON DASHAUN CHERRY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-12-11**

MCRO\_27-CR-23-3198\_Finding of Incompetency and Order\_2023-12-11\_20240430072731.pdf

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d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**


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 Referee of District Court

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 Judge of District Court

**Case No. 27-CR-23-3459****State of MN vs MUAD ABDULKADIR**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3459\_Finding of Incompetency and Order\_2023-03-22\_20240430072906.pdf

File Hash: a56a45d08106f3b4816458aa2be97ed4fa7c2c9842131ec5708b64407772658f

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-23-3459,  
27-CR-23-3460

Plaintiff,

vs.

Muad Abdulkadir,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 21, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant did not appear and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender. At the time of the hearing, a deputy indicated that Respondent was unable to appear via Zoom from his cell due to his disorganized and disruptive behavior. Respondent was excused from the hearing for good cause due to his disruptive behavior.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 01/01/1994), was charged in MNCIS file 27-CR-23-3459 with 1<sup>st</sup> Degree Aggravated Robbery (Felony) and in MNCIS file 27-CR-23-3460 with 2<sup>nd</sup> Degree Assault (Felony) and Threats of Violence (Felony) arising from an incident alleged to have occurred on 02/11/2023. On 02/16/2023, Judge Hilary Caligiuri found probable cause to believe that the offenses were committed and that Defendant committed them.
- On 02/16/2023, Judge Hilary Caligiuri ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
- Dr. John Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-23-3460****State of MN vs MUAD ABDULKADIR**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3460\_Finding of Incompetency and Order\_2023-03-22\_20240430072943.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-23-3459,  
27-CR-23-3460

Plaintiff,

vs.

Muad Abdulkadir,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 21, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant did not appear and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender. At the time of the hearing, a deputy indicated that Respondent was unable to appear via Zoom from his cell due to his disorganized and disruptive behavior. Respondent was excused from the hearing for good cause due to his disruptive behavior.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 01/01/1994), was charged in MNCIS file 27-CR-23-3459 with 1<sup>st</sup> Degree Aggravated Robbery (Felony) and in MNCIS file 27-CR-23-3460 with 2<sup>nd</sup> Degree Assault (Felony) and Threats of Violence (Felony) arising from an incident alleged to have occurred on 02/11/2023. On 02/16/2023, Judge Hilary Caligiuri found probable cause to believe that the offenses were committed and that Defendant committed them.
- On 02/16/2023, Judge Hilary Caligiuri ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
- Dr. John Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-23-3496****State of MN vs ABDULKADIR ELMIEL GAL**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3496\_Finding of Incompetency and Order\_2023-03-22\_20240430073021.pdf

File Hash: 883dcdfa896784393a46f890f1af96ef8b7433d0c3a07a81ddd6cc5c3dac

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-23-3496;  
27-CR-23-1557

Plaintiff,

vs.

Abdulkadir Elmi Egal,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 21, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Minneapolis City Attorney, represented the plaintiff in 27-CR-23-1557 and agreed to have the findings applied to that case. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender. Also present was Sahil Kahan, Somali language interpreter.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 01/01/1957), was charged in MNCIS file 27-CR-23-3496 with 2<sup>nd</sup> Degree Assault (Felony) arising from an incident alleged to have occurred on February 10, 2023. On February 15, 2023, Judge Caligiuri found probable cause to believe that the offense(s) was committed and that Defendant committed it.
- Defendant was charged in MNCIS file 27-CR-23-1557 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on January 19, 2023.
- On February 15, 2023, Judge Caligiuri ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
- Dr. Dawn M. Peuschold, Ph.D., ABPP, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-23-3459****State of MN vs MUAD ABDULKADIR**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3459\_Finding of Incompetency and Order\_2023-03-22\_20240430072906.pdf

File Hash: a56a45d08106f3b4816458aa2be97ed4fa7c2c9842131ec5708b64407772658f

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4. Dr. John Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Thomas Prochazka, Assistant Hennepin County Attorney – Criminal Division;  
Douglas Biglow, Attorney for Defendant
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

**Case No. 27-CR-23-3460****State of MN vs MUAD ABDULKADIR**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3460\_Finding of Incompetency and Order\_2023-03-22\_20240430072943.pdf

File Hash: 89253c14549da70c8f9deafa9c6ccb50b904d428cb930bf27c2ffe339b3fc5b2

Page: 2 of 5

4. Dr. John Anderson, Ph.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Thomas Prochazka, Assistant Hennepin County Attorney – Criminal Division;  
Douglas Biglow, Attorney for Defendant
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

**Case No. 27-CR-23-3496****State of MN vs ABDULKADIR ELMIEGAL**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3496\_Finding of Incompetency and Order\_2023-03-22\_20240430073021.pdf

File Hash: 883dcdfaead896784393a46f890f1af96efd8b7433d0c3a07a81ddd6cc5c3dac

Page: 2 of 5

5. Dr. Dawn M. Peuschold, Ph.D., ABPP, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
David Romaker, Assistant Hennepin County Attorney – Criminal Division;  
Bernice Hodge, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care,

**Case No. 27-CR-23-3459****State of MN vs MUAD ABDULKADIR**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3459\_Finding of Incompetency and Order\_2023-03-22\_20240430072906.pdf

File Hash: a56a45d08106f3b4816458aa2be97ed4fa7c2c9842131ec5708b64407772658f

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treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours.

**Case No. 27-CR-23-3460****State of MN vs MUAD ABDULKADIR**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3460\_Finding of Incompetency and Order\_2023-03-22\_20240430072943.pdf

File Hash: 89253c14549da70c8f9deafa9c6ccb50b904d428cb930bf27c2ffe339b3fc5b2

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treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours.

**Case No. 27-CR-23-3496****State of MN vs ABDULKADIR ELMIEGAL**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3496\_Finding of Incompetency and Order\_2023-03-22\_20240430073021.pdf

File Hash: 883dcdfaead896784393a46f890f1af96efd8b7433d0c3a07a81ddd6cc5c3dac

Page: 3 of 5

records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours.

**Case No. 27-CR-23-3459****State of MN vs MUAD ABDULKADIR**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3459\_Finding of Incompetency and Order\_2023-03-22\_20240430072906.pdf

File Hash: a56a45d08106f3b4816458aa2be97ed4fa7c2c9842131ec5708b64407772658f

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This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 19, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Douglas Biglow, Attorney for Defendant;
- c. Thomas Prochazka, Assistant Hennepin County Attorney;

**Case No. 27-CR-23-3460****State of MN vs MUAD ABDULKADIR**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3460\_Finding of Incompetency and Order\_2023-03-22\_20240430072943.pdf

File Hash: 89253c14549da70c8f9deafa9c6ccb50b904d428cb930bf27c2ffe339b3fc5b2

Page: 4 of 5

This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 19, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Douglas Biglow, Attorney for Defendant;
- c. Thomas Prochazka, Assistant Hennepin County Attorney;

**Case No. 27-CR-23-3496****State of MN vs ABDULKADIR ELMIEGAL**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3496\_Finding of Incompetency and Order\_2023-03-22\_20240430073021.pdf

File Hash: 883dcdfaead896784393a46f890f1af96ef8b7433d0c3a07a81ddd6cc5c3dac

Page: 4 of 5

employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 19, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Bernice Hodge, Assistant Hennepin County Public Defender;

**Case No. 27-CR-23-3459****State of MN vs MUAD ABDULKADIR**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3459\_Finding of Incompetency and Order\_2023-03-22\_20240430072906.pdf

File Hash: a56a45d08106f3b4816458aa2be97ed4fa7c2c9842131ec5708b64407772658f

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d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

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**Case No. 27-CR-23-3460****State of MN vs MUAD ABDULKADIR**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3460\_Finding of Incompetency and Order\_2023-03-22\_20240430072943.pdf

File Hash: 89253c14549da70c8f9deafa9c6ccb50b904d428cb930bf27c2ffe339b3fc5b2

Page: 5 of 5

d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

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**Case No. 27-CR-23-3496****State of MN vs ABDULKADIR ELMIELLEGAL**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-03-22**

MCRO\_27-CR-23-3496\_Finding of Incompetency and Order\_2023-03-22\_20240430073021.pdf

File Hash: 883dcdfaead896784393a46f890f1af96efd8b7433d0c3a07a81ddd6cc5c3dac

Page: 5 of 5

c. David Romaker, Assistant Hennepin County Attorney – Criminal Division;

d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

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**Case No. 27-CR-23-5213****State of MN vs MARK ANTHONY REINHART**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-13**

MCRO\_27-CR-23-5213\_Finding of Incompetency and Order\_2023-04-13\_20240430073156.pdf

File Hash: e25deddb7103b22d00d4310fbbcc5663c8cda4a345107b638a17f711d5f3ccb

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Court File No. 27-CR-22-7578; 27-CR-22-8532; 27-CR-22-9449; 27-CR-22-10914; 27-CR-22-11384; 27-CR-22-13185; 27-CR-22-14723; 27-CR-23-2104; 27-CR-23-5213

Mark Anthony Reinhart,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on April 11, 2023. The hearing was held remotely using the Zoom internet platform. Heidi Johnson, Minneapolis City Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Shawna Kosel, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 02/10/1962) was charged in MNCIS file 27-CR-22-13185 with Indecent Exposure/Lewdness (Gross Misdemeanor) and Indecent Exposure-Public Place, Indecent Conduct, and Disorderly Conduct (Misdemeanors) arising from an incident alleged to have occurred on July 5, 2022; MNCIS file 27-CR-22-14723 with Trespass (Gross Misdemeanor) and Disorderly Conduct (Misdemeanor) arising from an incident alleged to have occurred on June 21, 2022; MNCIS file 27-CR-23-5213 with Trespass on Critical Public Service Facilities, Pipeline, Utility (Gross Misdemeanor) and No person shall urinate or defecate except in comfort stations (Misdemeanor) arising from an incident alleged to have occurred on March 8, 2023; MNCIS file 27-CR-22-7578 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on April 21, 2022; MNCIS file 27-CR-22-8532 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on May 4, 2022; MNCIS file 27-CR-22-9449 with Disorderly Conduct (Misdemeanor) arising from an incident alleged to have occurred on May 17, 2022; MNCIS file 27-CR-22-10914 with Disorderly Conduct (Misdemeanor) arising from an incident alleged to have occurred on June 7, 2022;

**Case No. 27-CR-23-5751****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-23-5751\_Finding of Incompetency and Order\_2023-05-02\_20240430073242.pdf

File Hash: 7c17915e47dd8cb5cccd6bc77b0c8e3ad7bc6bb4807aa9208015f13085bd23d84

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-22-21679, 27-CR-22-24045, 27-CR-23-385, 27-CR-23-5751, 27-CR-23-6188

Lucas Patrick Kraskey,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee/Judge of District Court on May 2, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney and Megan Griffin, Attorney with the City of Minneapolis, represented the plaintiffs. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor - GMD) and Public Urination (Misdemeanor - MSD) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-23-5751****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-23-5751\_Finding of Incompetency and Order\_2023-11-01\_20240430073239.pdf

File Hash: 9873c39586a16ef511766642e39d8ed3ad7681364f9b27cd8daf36df8a844e7d

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,  
Plaintiff,  
vs.  
Court File No. 27-CR-21-6904, 27-CR-21-8067, 27-CR-21-8227, 27-CR-21-8228, 27-CR-21-8229, 27-CR-21-8230, 27-CR-21-8511, 27-CR-22-17300, 27-CR-23-5751

Lucas Patrick Kraskey,  
Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on October 31, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Megan Griffin, Assistant Minneapolis City Attorney, also represented the plaintiff. Defendant was represented by Andrew J. Reiland, II, Assistant Hennepin County Public Defender. Prior to the time of the hearing, the parties agreed to the Court handling this matter administratively, without the need for appearances.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 06/01/1984), was charged in MNCIS file 27-CR-21-6904 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 29, 2021; in MNCIS file 27-CR-21-8067 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 25, 2021; in MNCIS file 27-CR-21-8227 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 24, 2021; in MNCIS file 27-CR-21-8228 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8229 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 15, 2021; in MNCIS file 27-CR-21-8230 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on February

**Case No. 27-CR-23-5213****State of MN vs MARK ANTHONY REINHART**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-13**

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MNCIS file 27-CR-22-11384 with Public Urination Prohibited and Disorderly Conduct (Misdemeanors) arising from an incident alleged to have occurred on June 12, 2022; MNCIS file 27-CR-23-2104 with Theft (Misdemeanor) arising from an incident alleged to have occurred on January 26, 2023. On March 9, 2023, Judge Bev Benson found probable cause to believe that the offenses were committed and that Defendant committed them.

2. On March 9, 2023, Judge Bev Benson ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristen Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The prosecutor has thirty (30) days from filing of this Order to file a Notice of Intent to Prosecute the gross misdemeanor charges. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten days of the date of service.

Heidi Johnston, Minneapolis City Attorney – Criminal Division;  
Bloomington City Attorney;  
Christopher Renz, Attorney for Metropolitan Airports Commission;  
Shawna Kosel, Assistant Hennepin County Public Defender

**Case No. 27-CR-23-5751****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-23-5751\_Finding of Incompetency and Order\_2023-05-02\_20240430073242.pdf

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to have occurred on February 23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (GMD) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; in MNCIS file 27-CR-22-21679 with Trespassing (MSD) arising from an incident alleged to have occurred on October 18, 2022; in MNCIS file 27-CR-22-24045 with Trespass (MSD) arising from an incident alleged to have occurred on December 1, 2022; in MNCIS file 27-CR-23-385 with Trespass (MSD) arising from an incident alleged to have occurred on November 24, 2022; in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023; and in MNCIS file 27-CR-23-6188.

2. On March 28, 2023, Judge Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

Dr. Kristen A. Otte, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge(s) must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Tom Arneson, Assistant Hennepin County Attorney – Criminal Division; and

**Case No. 27-CR-23-5751****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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23, 2021; in MNCIS file 27-CR-21-8511 with 3<sup>rd</sup> Degree Damage to Property (Gross Misdemeanor) arising from an incident alleged to have occurred on March 9, 2021; in MNCIS file 27-CR-22-17300 with 1<sup>st</sup> Degree Damage to Property (Felony) arising from an incident alleged to have occurred on January 27, 2022; and in MNCIS file 27-CR-23-5751 with 5<sup>th</sup> Degree Drug Possession (Felony) arising from an incident alleged to have occurred on March 16, 2023.

2. On August 22, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Kristen A. Otte, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Darren Borg, Assistant Hennepin County Attorney – Criminal Division;  
Christopher Freeman, Assistant Hennepin County Attorney – Criminal Division;  
Heidi Johnston, Minneapolis City Attorney;  
Andrew Reiland, II, Assistant Hennepin County Public Defender

**Case No. 27-CR-23-5213****State of MN vs MARK ANTHONY REINHART**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-13**

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3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure

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**Case No. 27-CR-23-5751****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

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Megan Griffin, City of Minneapolis Attorney

Susan Herlofsky, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure

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**Case No. 27-CR-23-5751****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

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**Case No. 27-CR-23-5213****State of MN vs MARK ANTHONY REINHART**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-04-13

MCRO\_27-CR-23-5213\_Finding of Incompetency and Order\_2023-04-13\_20240430073156.pdf

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facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least fourteen (14) days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed;

**Case No. 27-CR-23-5751****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-05-02

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9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended

**Case No. 27-CR-23-5751****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-11-01

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to the public, the Defendant may be committed directly to an appropriate safe and secure facility.

10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 30, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Andrew Reiland, II, Assistant Hennepin County Public Defender;
- c. Darren Borg, Assistant Hennepin County Attorney;
- d. Christopher Freeman, Assistant Hennepin County Attorney;
- e. Heidi Johnston, Minneapolis City Attorney;

**Case No. 27-CR-23-5213****State of MN vs MARK ANTHONY REINHART**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-04-13**

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2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 10, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Shawna Kosel, Assistant Hennepin County Public Defender;
- c. Heidi Johnston, Minneapolis City Attorney – Criminal Division;
- d. Bloomington City Attorney;
- e. Christopher Renz, Attorney for Metropolitan Airports Commission;
- f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-23-5751****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-05-02**

MCRO\_27-CR-23-5751\_Finding of Incompetency and Order\_2023-05-02\_20240430073242.pdf

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conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is October 31, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Tom Arneson, Assistant Hennepin County Public Defender;
- c. Susan Herlofsky, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. Megan Griffin, City of Minneapolis Attorney; and
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court**Case No. 27-CR-23-5751****State of MN vs Lucas Patrick Kraskey**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-23-5751\_Finding of Incompetency and Order\_2023-11-01\_20240430073239.pdf

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f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court

**Case No. 27-CR-23-8560****State of MN vs INGRAM METEBO OYUGI**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

MCRO\_27-CR-23-8560\_Finding of Incompetency and Order\_2023-06-01\_20240430073449.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Ingram Metebo Oyugi,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on May 30, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 08/31/1991), was charged in MNCIS file 27-CR-23-8560 with Use Tear Gas to Immobilize (Felony), 4<sup>th</sup> Degree Assault (Felony), and Use Tear Gas/Stun Gun on a Peace Officer (Gross Misdemeanor) arising from an incident alleged to have occurred on April 21, 2023; and in MNCIS file 27-CR-23-8342 with two counts of Domestic Assault-Harm (Misdemeanors) and Disorderly Conduct (Misdemeanor) arising from an incident alleged to have occurred on April 11, 2023. On April 25, 2023, Judge Jay Quam found probable cause to believe that the offenses were committed and that Defendant committed them.
- On April 25, 2023, Judge Jay Quam ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
- Dr. Adam Gierok, PsyD, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Adam Gierok, PsyD, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally

**Case No. 27-CR-23-8649****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-23-8649\_Finding of Incompetency and Order\_2024-03-12\_20240430073550.pdf

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Terrell Johnson,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on March 12, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Michelle Doffing, Minneapolis City Attorney, appeared. Defendant appeared out of custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 08/28/1979), was charged in MNCIS file 27-CR-19-12466 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on May 28, 2019; in MNCIS file 27-CR-19-19606 with Drugs – 3<sup>rd</sup> Degree (Felony) arising from an incident alleged to have occurred on August 12, 2019; in MNCIS file 27-CR-20-8926 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 2, 2020; in MNCIS file 27-CR-20-20037 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on April 6, 2019; in MNCIS file 27-CR-21-19552 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on July 12, 2021; in MNCIS file 27-CR-21-23233 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on December 17, 2021; in MNCIS file 27-CR-22-1165 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on October 9, 2021; in MNCIS file 27-CR-22-4898 with Drugs – 5<sup>th</sup> Degree (Felony) arising from an incident alleged to have occurred on March 15, 2022; in MNCIS file 27-CR-23-8649 with Domestic Assault (Gross Misdemeanor) arising

**Case No. 27-CR-23-9546****State of MN vs TIMOTHY TERRELL STUCKEY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-27**

MCRO\_27-CR-23-9546\_Finding of Incompetency and Order\_2024-02-27\_20240430073802.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Timothy Terrell Stuckey,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on February 27, 2024. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 11/28/1978), was charged in MNCIS file 27-CR-23-9546 with Simple Robbery (Felony) arising from an incident alleged to have occurred on May 5, 2023; and in MNCIS file 27-CR-22-14493 with Theft (Misdemeanor) arising from an incident alleged to have occurred on July 1, 2022. On June 7, 2023, Judge William Koch found probable cause to believe that the felony offense was committed and that Defendant committed it.
- On January 29, 2024, Judge William Koch ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Jennifer Flowers, Ph.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Jennifer Flowers, Ph.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-23-8560****State of MN vs INGRAM METEBO OYUGI**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

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consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Kaitlin Anderson, Assistant Hennepin County Attorney – Criminal Division;

Matthew Elsen, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records

**Case No. 27-CR-23-8649****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

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from incident alleged to have occurred on April 25, 2023; and in MNCIS file 27-CR-23-25563 with Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on November 29, 2023. In the former case, on December 6, 2023, Judge Juan Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On December 6, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Kacy Wothe, Assistant Hennepin County Attorney – Criminal Division;

Evan Powell, Assistant Hennepin County Attorney – Criminal Division;

Minneapolis City Attorney;

Laura Prahl, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.

**Case No. 27-CR-23-9546****State of MN vs TIMOTHY TERRELL STUCKEY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-27**

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File Hash: c7862668b4c4e342e1ba98aa77e3d423ba62b2fb899e5d09f266a5d7ea9f04c2

Page: 2 of 5

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charge must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Maria Mulvihill, Assistant Hennepin County Attorney – Criminal Division;

Christine Irfanullah, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals;

**Case No. 27-CR-23-8560****State of MN vs INGRAM METEBO OYUGI**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

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maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

4. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
5. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
6. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

7. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider

**Case No. 27-CR-23-8649****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

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4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

**Case No. 27-CR-23-9546****State of MN vs TIMOTHY TERRELL STUCKEY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-27**

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physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

**Case No. 27-CR-23-8560****State of MN vs INGRAM METEBO OYUGI**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

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to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.
14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is November 28, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Matthew Elsen, Assistant Hennepin County Public Defender (matthew.elsen@hennepin.us);
  - c. Kaitlin Anderson, Assistant Hennepin County Attorney (kaitlin.anderson@hennepin.us);

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**Case No. 27-CR-23-8649****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-23-8649\_Finding of Incompetency and Order\_2024-03-12\_20240430073550.pdf

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10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.
12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is September 10, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Laura Prahl, Assistant Hennepin County Public Defender (laura.prahl@hennepin.us);
  - c. Kacy Wothe, Assistant Hennepin County Attorney (kacy.wothe@hennepin.us);
  - d. Evan Powell, Assistant Hennepin County Attorney (evan.powell@hennepin.us);
  - e. Minneapolis City Attorney;
  - f. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.
15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 27, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
  - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
  - b. Christine Irfanullah, Assistant Hennepin County Public Defender (christine.irfanullah@hennepin.us);
  - c. Maria Mulvihill, Assistant Hennepin County Attorney (maria.mulvihill@hennepin.us);
  - d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

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**Case No. 27-CR-23-9546****State of MN vs TIMOTHY TERRELL STUCKEY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-27**

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may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is August 27, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Christine Irfanullah, Assistant Hennepin County Public Defender (christine.irfanullah@hennepin.us);
- c. Maria Mulvihill, Assistant Hennepin County Attorney (maria.mulvihill@hennepin.us);
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

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**Case No. 27-CR-23-8560****State of MN vs INGRAM METEBO OYUGI**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-06-01**

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- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
- 16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

Referee of District Court

Judge of District Court

**Case No. 27-CR-23-8649****State of MN vs TERRELL JOHNSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-03-12**

MCRO\_27-CR-23-8649\_Finding of Incompetency and Order\_2024-03-12\_20240430073550.pdf

File Hash: a96ba4e7cedbb2cdfbb1d84c87891e3d106117dbc7425dd3e6969a35812237ad

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- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
- 14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

Mercurio, Danielle  
Mar 21 2024 2:26 PM

Referee of District Court

**BY THE COURT:**Browne, Michael  
Mar 21 2024 3:04 PM

Judge of District Court

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**Case No. 27-CR-23-9546****State of MN vs TIMOTHY TERRELL STUCKEY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-27**

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- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
- 16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**Dayton Klein, Julia  
Feb 27 2024 4:28 PM

Judge of District Court

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**Case No. 27-CR-23-12360****State of MN vs ALEXANDER ORVAL THOMLEY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-07-26

MCRO\_27-CR-23-12360\_Finding of Incompetency and Order\_2023-07-26\_20240430073932.pdf

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Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-23-12360

Plaintiff,

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

vs.

Alexander Orval Thomley,

Defendant.

This matter came before the undersigned Judge of District Court on July 25, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant did not appear and was represented by Susan Herlofsky, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 11/09/1996), was charged with 2<sup>nd</sup> Degree Assault (Felony) arising from an incident alleged to have occurred on June 12, 2023. On June 15, 2023, Judge Michael Burns found probable cause to believe that the offense was committed and that Defendant committed it.
2. On June 15, 2023, Judge Michael Burns ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Jennifer Flowers, Ph.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Jennifer Flowers, Ph.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-23-12653****State of MN vs JACOB JOSEPH SCHECH**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-12-13

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-23-12653;  
27-CR-23-15254

Plaintiff,

vs.

Jacob Joseph Schech,

Defendant.

This matter came administratively before the undersigned Judge of District Court on December 12, 2023, pursuant to agreement by the parties. The hearing was held remotely using the Zoom internet platform. Dan Allard, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Raissa Carpenter, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 02/29/1984), was charged in MNCIS file 27-CR-23-12653 with Fleeing a Peace Officer in a Motor Vehicle (Felony) arising from an incident alleged to have occurred on May 11, 2023; and in MNCIS file 27-CR-23-15254 with Murder – 2<sup>nd</sup> Degree – With Intent-Not Premeditated (Felony) arising from an incident alleged to have occurred on July 19, 2023. On September 21, 2023, Judge Julie Allyn found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On September 21, 2023, as amended on September 27, 2023, Judge Julie Allyn ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Adam Gierok, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

**Case No. 27-CR-23-13960****State of MN vs JEREMIAH JAMES RIVERS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-08-24

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-23-13960

Plaintiff,

v.

Jeremiah James Rivers,<sup>1</sup>

Defendant.

This matter came before the undersigned Judge of District Court on August 22, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the State and appeared on behalf of the attorney of record, Erin Goltz, Esq. Defendant appeared in custody and was represented by Kevin Gray, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 10/12/1989), was charged in MNCIS file 27-CR-23-13960 with three counts of Threats of Violence – Reckless Disregard Risk (Felony) arising from an incident alleged to have occurred on July 3, 2023. On July 7, 2023, Judge Paul Scoggin found probable cause to believe that the offenses were committed, and that Defendant committed them.
2. On July 7, 2023, Judge Paul Scoggin ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Lauren A. Herbert, Psy.D., LP, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.

<sup>1</sup> Defendant uses she/her pronouns.

**Case No. 27-CR-23-12360****State of MN vs ALEXANDER ORVAL THOMLEY**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-07-26

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Page: 2 of 5

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
 Evan Powell, Assistant Hennepin County Attorney – Criminal Division;  
 Susan Herlofsky, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney’s Office – Adult Services Division (“HCAO-ASD”) within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney’s Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant’s files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or

**Case No. 27-CR-23-12653****State of MN vs JACOB JOSEPH SCHECH**

Filing Type: ·Finding of Incompetency and Order-

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4. Dr. Adam Gierok, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
 Christopher Filipski, Assistant Hennepin County Attorney – Criminal Division;  
 Daniel Allard, Assistant Hennepin County Attorney – Criminal Division;  
 Robert Speeter, Esq;  
 Raissa Carpenter, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney’s Office – Adult Services Division (“HCAO-ASD”) within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney’s Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

**Case No. 27-CR-23-13960****State of MN vs JEREMIAH JAMES RIVERS**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-08-24

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4. Dr. Lauren A. Herbert, Psy.D., LP, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
 Erin Goltz, Assistant Hennepin County Attorney – Criminal Division;  
 Kevin Gray, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney’s Office – Adult Services Division (“HCAO-ASD”) within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney’s Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.

**Case No. 27-CR-23-12360****State of MN vs ALEXANDER ORVAL THOMLEY**

Filing Type: ·Finding of Incompetency and Order-

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programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

**Case No. 27-CR-23-12653****State of MN vs JACOB JOSEPH SCHECH**

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7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all

**Case No. 27-CR-23-13960****State of MN vs JEREMIAH JAMES RIVERS**

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8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

**Case No. 27-CR-23-12360****State of MN vs ALEXANDER ORVAL THOMLEY**

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12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is January 23, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Susan Herlofsky, Assistant Hennepin County Public Defender;
- c. Evan Powell, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

**Case No. 27-CR-23-12653****State of MN vs JACOB JOSEPH SCHECH**

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information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is June 11, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

**Case No. 27-CR-23-13960****State of MN vs JEREMIAH JAMES RIVERS**

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11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

**Case No. 27-CR-23-12360****State of MN vs ALEXANDER ORVAL THOMLEY**

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16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-23-12653****State of MN vs JACOB JOSEPH SCHECH**

Filing Type: ·Finding of Incompetency and Order-

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- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Raissa Carpenter, Assistant Hennepin County Public Defender;
- c. Robert Speeter, Esq;
- d. Christopher Filipski, Assistant Hennepin County Attorney;
- e. Daniel Allard, Assistant Hennepin County Attorney;
- f. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- g. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**


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Dayton Klein, Julia  
Dec 12 2023 2:22 PM


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Judge of District Court

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**Case No. 27-CR-23-13960****State of MN vs JEREMIAH JAMES RIVERS**

Filing Type: ·Finding of Incompetency and Order-

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14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is February 20, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Kevin Gray, Assistant Hennepin County Public Defender;
- c. Erin Goltz, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT**

**Case No. 27-CR-23-16281****State of MN vs FUE VANG**

Filing Type: ·Finding of Incompetency and Order·

Filing Date: **2023-11-01**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Fue Vang,

Defendant.

**Court File No. 27-CR-23-16281  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on October 31, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Christine Irfanullah, Assistant Hennepin County Public Defender. Also present Kazoua Yang, Court-certified Hmong Interpreter.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 06/29/1993), was charged in MNCIS file 27-CR-23-16281 with Threats of Violence – Reckless Disregard Risk (Felony) and Domestic Violence – By Strangulation (Felony) arising from an incident alleged to have occurred on August 2, 2023. On August 28, 2023, Judge Julie Allyn found probable cause to believe that the offenses were committed and that Defendant committed them.
- On August 28, 2023, Judge Julie Allyn ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Maren Conway, PsyD, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to

**Case No. 27-CR-23-18846****State of MN vs RICKY NELSON SULLIVAN, Jr.**

Filing Type: ·Finding of Incompetency and Order·

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Ricky Nelson Sullivan,

Defendant.

**Court File No. 27-CR-23-15818; 27-CR-23-18118; 27-CR-23-18266; 27-CR-23-18384;  
27-CR-23-18478; 27-CR-23-18605; 27-CR-23-18170; 27-CR-23-18846; 27-CR-23-18850  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on October 10, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Leslie O'Connor, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 04/19/1987), was charged in MNCIS file 27-CR-23-18850 with Theft (Felony) arising from an incident alleged to have occurred on August 27, 2023; in MNCIS file 27-CR-23-18846 with Theft (Felony) arising from an incident alleged to have occurred on August 22, 2023; in MNCIS file 27-CR-23-15818 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on July 27, 2023; in MNCIS file 27-CR-23-18118 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 25, 2023; in MNCIS file 27-CR-23-18266 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 25, 2023; in MNCIS file 27-CR-23-18384 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 29, 2023; in MNCIS file 27-CR-23-18478 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 30, 2023; in MNCIS file 27-CR-23-18605 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 31, 2023; and in MNCIS file 27-CR-23-18170 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 26, 2023. In the former case, on September 6, 2023, Judge Juan

**Case No. 27-CR-23-18850****State of MN vs RICKY NELSON SULLIVAN, Jr.**

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

vs.

Ricky Nelson Sullivan,

Defendant.

**Court File No. 27-CR-23-15818; 27-CR-23-18118; 27-CR-23-18266; 27-CR-23-18384;  
27-CR-23-18478; 27-CR-23-18605; 27-CR-23-18170; 27-CR-23-18846; 27-CR-23-18850  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on October 10, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Leslie O'Connor, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 04/19/1987), was charged in MNCIS file 27-CR-23-18850 with Theft (Felony) arising from an incident alleged to have occurred on August 27, 2023; in MNCIS file 27-CR-23-18846 with Theft (Felony) arising from an incident alleged to have occurred on August 22, 2023; in MNCIS file 27-CR-23-15818 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on July 27, 2023; in MNCIS file 27-CR-23-18118 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 25, 2023; in MNCIS file 27-CR-23-18266 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 25, 2023; in MNCIS file 27-CR-23-18384 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 29, 2023; in MNCIS file 27-CR-23-18478 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 30, 2023; in MNCIS file 27-CR-23-18605 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 31, 2023; and in MNCIS file 27-CR-23-18170 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 26, 2023. In the former case, on September 6, 2023, Judge Juan

**Case No. 27-CR-23-16281****State of MN vs FUE VANG**

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rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Thomas Prochazka, Assistant Hennepin County Attorney – Criminal Division;

Christine Irfanullah, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney’s Office – Adult Services Division (“HCAO-ASD”) within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney’s Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant’s files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical

**Case No. 27-CR-23-18846****State of MN vs RICKY NELSON SULLIVAN, Jr.**

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Hoyos found probable cause to believe that the offense was committed and that Defendant committed it.

2. On September 6, 2023, Judge Juan Hoyosordered that Defendant undergo an evaluation to assess Defendant’s competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01. However, the parties agreed to adopt the findings from MNCIS file 27-CR-22-25418.
3. In MNCIS file 27-CR-22-25418, Dr. Jennifer Flowers, Ph.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant’s records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Jennifer Flowers, Ph.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Christopher Filipski, Assistant Hennepin County Attorney – Criminal Division;  
Leslie O’Connor and Eli Pasmanter, Assistant Hennepin County Public Defender

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the

**Case No. 27-CR-23-18850****State of MN vs RICKY NELSON SULLIVAN, Jr.**

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2. On September 6, 2023, Judge Juan Hoyosordered that Defendant undergo an evaluation to assess Defendant’s competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01. However, the parties agreed to adopt the findings from MNCIS file 27-CR-22-25418.
3. In MNCIS file 27-CR-22-25418, Dr. Jennifer Flowers, Ph.D., L.P., Psychological Services of Hennepin County District Court, reviewed Defendant’s records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Jennifer Flowers, Ph.D., L.P., Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Christopher Filipski, Assistant Hennepin County Attorney – Criminal Division;  
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3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the

**Case No. 27-CR-23-16281****State of MN vs FUE VANG**

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dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received

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Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.

5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

**Case No. 27-CR-23-18850****State of MN vs RICKY NELSON SULLIVAN, Jr.**

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Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.

5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.

**Case No. 27-CR-23-16281****State of MN vs FUE VANG**

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in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 30, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Christine Irfanullah, Assistant Hennepin County Public Defender;
- c. Thomas Prochazka, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

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10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending

**Case No. 27-CR-23-18850****State of MN vs RICKY NELSON SULLIVAN, Jr.**

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10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending

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e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**


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 Judge of District Court
**Case No. 27-CR-23-18846****State of MN vs RICKY NELSON SULLIVAN, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-10-10**

MCRO\_27-CR-23-18846\_Finding of Incompetency and Order\_2023-10-10\_20240430074709.pdf

File Hash: 46cca74ce731bdd4495638b17c66fc5a604d4393e461ecdf4099605fb64c85c

Page: 5 of 5

the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 9, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Leslie O'Connor, Assistant Hennepin County Public Defender;
- c. Eli Pasmanter, Assistant Hennepin County Public Defender;
- d. Christopher Filipski, Assistant Hennepin County Attorney;
- e. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

 Skibbie, Lori  
Oct 11 2023 1:10 PM

Referee of District Court

**BY THE COURT:**


 Dayton Klein, Julia  
Oct 11 2023 2:10 PM

Judge of District Court

**Case No. 27-CR-23-18850****State of MN vs RICKY NELSON SULLIVAN, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-10-10**

MCRO\_27-CR-23-18850\_Finding of Incompetency and Order\_2023-10-10\_20240430074746.pdf

File Hash: 7c030a104778107eac977e9e6741c82154ec8930278f49bd3f4e78e0ea6a3f0b

Page: 5 of 5

the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 9, 2023. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Leslie O'Connor, Assistant Hennepin County Public Defender;
- c. Eli Pasmanter, Assistant Hennepin County Public Defender;
- d. Christopher Filipski, Assistant Hennepin County Attorney;
- e. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- f. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

 Skibbie, Lori  
Oct 11 2023 1:10 PM

Referee of District Court

**BY THE COURT:**


 Dayton Klein, Julia  
Oct 11 2023 2:10 PM

Judge of District Court

**Case No. 27-CR-23-18964****State of MN vs TROY CARL WARKE, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-10-18**

MCRO\_27-CR-23-18964\_Finding of Incompetency and Order\_2023-10-18\_20240430074822.pdf

File Hash: 4fa7f97258e12301229b94a0069215941b35168cc546361d465b9927cae0f6eb

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-23-18964

Plaintiff,

vs.

Troy Carl Warnke, Jr.,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on October 17, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Amanda Brodhag, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 06/28/1986), was charged in MNCIS file 27-CR-23-18964 with two counts of Assault – Third Degree (Felony) arising from an incident alleged to have occurred on September 2, 2023. On September 7, 2023, Judge Juan Hoyos found probable cause to believe that the offenses were committed and that Defendant committed them.
- On September 7, 2023, Judge Juan Hoyos ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
- Dr. Dawn Peuschold, PhD, ABPP, LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Dawn Peuschold, PhD, ABPP, LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**Case No. 27-CR-23-20715****State of MN vs KESSIE KAFELE WILSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-23-20715\_Finding of Incompetency and Order\_2023-11-01\_20240430074856.pdf

File Hash: 9d5e1bf870701f5d647827c3835ae63ac70fd058972ceb29f545f6c3197bf400

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-21-14861; 27-CR-23-20715

Plaintiff,

vs.

Kessie Kafele Wilson,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on October 31, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Matthew Swiontek, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 07/02/1979), was convicted in MNCIS file 27-CR-21-14861 with Assault – 3<sup>rd</sup> Degree (Felony) arising from an incident that occurred on June 14, 2021.
- Defendant was charged in MNCIS file 27-CR-23-20715 with Stalking (Felony) and Threats of Violence (Felony) arising from an incident alleged to have occurred on September 21, 2023. On September 29, 2023, Senior Judge Poston found probable cause to believe that the offenses were committed and that Defendant committed them.
- Pursuant to agreement by the parties, the Court adopted the Rule 20.01 Report dated July 19, 2023, contained in MNCIS file 27-CR-23-8817.
- Dr. Kathryn Jameson, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court in MNCIS file 27-CR-23-8817.
- Dr. Kathryn Jameson, Psy.D., LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability

**Case No. 27-CR-23-21653****State of MN vs ROBERT WILLIAM BALSIMO**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-15**

MCRO\_27-CR-23-21653\_Finding of Incompetency and Order\_2023-11-15\_20240430075012.pdf

File Hash: 6dc08e93ea8dc78ff073b853558f045d5eff34391980b91030ab2b106d515640

Page: 1 of 5

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-23-21653;  
27-CR-23-12404

Plaintiff,

vs.

Robert William Balsimo,

Defendant.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Referee of District Court on November 14, 2023. The hearing was held remotely using the Zoom internet platform. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant appeared in custody and was represented by Raissa Carpenter, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

- Defendant (date of birth 09/18/1981), was charged in MNCIS file 27-CR-23-21653 with Domestic Assault (Felony) arising from an incident alleged to have occurred on October 8, 2023; and in MNCIS file 27-CR-23-12404 with Speed 60 Zone 88/60 (Petty Misdemeanor), No Proof MV Insurance (Misdemeanor), Driving After Revocation (Misdemeanor), and Failure to Obey a Lawful Order (Misdemeanor) arising from an incident alleged to have occurred on June 5, 2023. On October 11, 2023, Judge Lisa Janzen found probable cause to believe that the felony offense was committed and that Defendant committed it.
- On October 11, 2023, Judge Lisa Janzen ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
- Dr. Catherine A. Carlson, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
- Dr. Catherine A. Carlson, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability

**Case No. 27-CR-23-18964**

State of MN vs TROY CARL WARNKE, Jr.

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-10-18

MCRO\_27-CR-23-18964\_Finding of Incompetency and Order\_2023-10-18\_20240430074822.pdf

File Hash: 4fa f97258e12301229b94a0069215941b35168cc546361d465b9927cae0f6eb

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**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Stephen Moeller, Assistant Hennepin County Attorney – Criminal Division;  
Amanda Brodhag, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney’s Office – Adult Services Division (“HCAO-ASD”) within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney’s Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant’s files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or

**Case No. 27-CR-23-20715**

State of MN vs KESSIE KAFELE WILSON

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-11-01

MCRO\_27-CR-23-20715\_Finding of Incompetency and Order\_2023-11-01\_20240430074856.pdf

File Hash: 9d5e1bf870701f5d647827c3835ae63ac70fd058972ceb29f545f6c3197bf400

Page: 2 of 5

to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Thomas Prochazka, Assistant Hennepin County Attorney – Criminal Division;  
Matthew Swiontek, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney’s Office – Adult Services Division (“HCAO-ASD”) within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney’s Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant’s files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical

**Case No. 27-CR-23-21653**

State of MN vs ROBERT WILLIAM BALSIMO

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-11-15

MCRO\_27-CR-23-21653\_Finding of Incompetency and Order\_2023-11-15\_20240430075012.pdf

File Hash: 6dc08e93ea8dc78ff073b853558f045d5eff34391980b91030ab2b106d515640

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to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.  
Isaiah Ellison, Assistant Hennepin County Attorney – Criminal Division;  
Raissa Carpenter, Assistant Hennepin County Public Defender
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney’s Office – Adult Services Division (“HCAO-ASD”) within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney’s Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant’s files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical

**Case No. 27-CR-23-18964****State of MN vs TROY CARL WARNKE, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-10-18**

MCRO\_27-CR-23-18964\_Finding of Incompetency and Order\_2023-10-18\_20240430074822.pdf

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Page: 3 of 5

programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.

11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

**Case No. 27-CR-23-20715****State of MN vs KESSIE KAFELE WILSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-23-20715\_Finding of Incompetency and Order\_2023-11-01\_20240430074856.pdf

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Page: 3 of 5

dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

**Case No. 27-CR-23-21653****State of MN vs ROBERT WILLIAM BALSIMO**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-15**

MCRO\_27-CR-23-21653\_Finding of Incompetency and Order\_2023-11-15\_20240430075012.pdf

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Page: 3 of 5

maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant from the Hennepin County Adult Detention Center to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

**Case No. 27-CR-23-18964****State of MN vs TROY CARL WARNKE, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-10-18

MCRO\_27-CR-23-18964\_Finding of Incompetency and Order\_2023-10-18\_20240430074822.pdf

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12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is April 16, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Amanda Brodhag, Assistant Hennepin County Public Defender;
- c. Stephen Moeller, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

**Case No. 27-CR-23-20715****State of MN vs KESSIE KAFELE WILSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-11-01

MCRO\_27-CR-23-20715\_Finding of Incompetency and Order\_2023-11-01\_20240430074856.pdf

File Hash: 9d5e1bf870701f5d647827c3835ae63ac70fd058972ceb29f545f6c3197bf400

Page: 4 of 5

in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is February 6, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Matthew Swiontek, Assistant Hennepin County Public Defender;
- c. Thomas Prochazka, Assistant Hennepin County Attorney;
- d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

**Case No. 27-CR-23-21653****State of MN vs ROBERT WILLIAM BALSIMO**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: 2023-11-15

MCRO\_27-CR-23-21653\_Finding of Incompetency and Order\_2023-11-15\_20240430075012.pdf

File Hash: 6dc08e93ea8dc78ff073b853558f045d5eff34391980b91030ab2b106d515640

Page: 4 of 5

to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. If Defendant is not subject to the provisions of Minn. Stat. § 253B.18, the head of the treatment facility shall hold Defendant safe and secure under the civil commitment, and shall not permit the Defendant's release, institutional transfer, partial institutionalization status, discharge, or provisional discharge of the civil commitment until the Fourth Judicial District Court – Criminal Division has ordered conditions of release consistent with the proposed change in status. Any proposed change in status under the civil commitment requiring amended conditions of release shall be made in writing to the Fourth Judicial District Court – Criminal Division and parties at least 14 days prior to proposed change in status. The written proposal shall address the following issues 1) whether the Defendant is competent to proceed; 2) how the proposed plan will meet the Defendant's treatment needs; and 3) public safety risks and how they will be addressed. Either party may request a hearing to address the proposed changes to the conditions of release. If no hearing is requested, the court may issue an order amending the conditions of release consistent with the proposed change in status in the civil commitment matter.

14. In the event the Fourth Judicial District Court – Mental Health Division does not commit the Defendant, then the Defendant shall be transported in secure custody back to the Fourth Judicial District Court – Criminal Division for further proceedings herein.

15. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is May 14, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Raissa Carpenter, Assistant Hennepin County Public Defender (raissa.carpenter@hennepin.us);
- c. Isaiah Ellison, Assistant Hennepin County Attorney (Isaiah.Ellison@hennepin.us);

**Case No. 27-CR-23-18964****State of MN vs TROY CARL WARNKE, Jr.**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-10-18**

MCRO\_27-CR-23-18964\_Finding of Incompetency and Order\_2023-10-18\_20240430074822.pdf

File Hash: 4fa f97258e12301229b94a0069215941b35168cc546361d465b9927cae0f6eb

Page: 5 of 5

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court**Case No. 27-CR-23-20715****State of MN vs KESSIE KAFELE WILSON**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-01**

MCRO\_27-CR-23-20715\_Finding of Incompetency and Order\_2023-11-01\_20240430074856.pdf

File Hash: 9d5e1bf870701f5d647827c3835ae63ac70fd058972ceb29f545f6c3197bf400

Page: 5 of 5

e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT:**

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Judge of District Court**Case No. 27-CR-23-21653****State of MN vs ROBERT WILLIAM BALSIMO**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2023-11-15**

MCRO\_27-CR-23-21653\_Finding of Incompetency and Order\_2023-11-15\_20240430075012.pdf

File Hash: 6dc08e93ea8dc78ff073b853558f045d5eff34391980b91030ab2b106d515640

Page: 5 of 5

d. Assistant Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);

e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

16. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

**BY THE COURT:**

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Referee of District Court

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Judge of District Court

**Case No. 27-CR-22-9720****State of MN vs EMANUEL OMAR BLACK**

Filing Type: ·Finding of Incompetency and Order·

Filing Date: **2024-02-02**

MCRO\_27-CR-22-9720\_Finding of Incompetency and Order\_2024-02-02\_20240429152432.pdf

File Hash: b9bbd4ddef2e023486917c41a65399e982af2f4a57b8006aeac061d1daa97c7

Page: 1 of 3

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**State of Minnesota,  
Plaintiff,Court File No. 27-CR-22-9720, 27-CR-23-  
16226, 27-CR-23-17424, 27-CR-23-23670,  
27-CR-23-25310, 27-CR-23-17576; 27-CR-  
22-12076, 27-CR-24-2150vs.  
Emanuel Omar Black,  
Defendant.**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on January 30, 2024. The hearing was held remotely using the Zoom internet platform. Michelle Doffing, Minneapolis City Attorney, represented the State. Defendant appeared in custody and was represented by Elizabeth Scott, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 11/05/1996), was charged in MNCIS file 27-CR-22-9720 with Theft (Misdemeanor) and Trespass (Misdemeanor) arising from an incident alleged to have occurred on May 21, 2022; in MNCIS file 27-CR-23-16226 with Theft (Misdemeanor) arising from an incident alleged to have occurred on July 30, 2023; in MNCIS file 27-CR-23-17424 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 16, 2023; in MNCIS file 27-CR-23-23670 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on November 3, 2023; in MNCIS file 27-CR-23-25310 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on November 27, 2023; in MNCIS file 27-CR-23-17576 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 19, 2023; in MNCIS file 27-CR-22-12076 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on June 8, 2022; and in MNCIS file 27-CR-24-2150 with Interrupt/Disrupt/Interfere with Emergency CB Radio (Misdemeanor), 4<sup>th</sup> Degree Damage to Property (Misdemeanor), and Transit-

**Case No. 27-CR-22-12076****State of MN vs Emanuel Omar Black**

Filing Type: ·Finding of Incompetency and Order·

Filing Date: **2024-02-02**

MCRO\_27-CR-22-12076\_Finding of Incompetency and Order\_2024-02-02\_20240429153145.pdf

File Hash: eede6aeedad2872b928bf90e4ef1c6cf7a34fcf465ead476b7bc55f1507083c

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-22-9720, 27-CR-23-  
16226, 27-CR-23-17424, 27-CR-23-23670,  
27-CR-23-25310, 27-CR-23-17576; 27-CR-  
22-12076, 27-CR-24-2150

Plaintiff,

vs.  
Emanuel Omar Black,  
Defendant.**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on January 30, 2024. The hearing was held remotely using the Zoom internet platform. Michelle Doffing, Minneapolis City Attorney, represented the State. Defendant appeared in custody and was represented by Elizabeth Scott, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 11/05/1996), was charged in MNCIS file 27-CR-22-9720 with Theft (Misdemeanor) and Trespass (Misdemeanor) arising from an incident alleged to have occurred on May 21, 2022; in MNCIS file 27-CR-23-16226 with Theft (Misdemeanor) arising from an incident alleged to have occurred on July 30, 2023; in MNCIS file 27-CR-23-17424 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 16, 2023; in MNCIS file 27-CR-23-23670 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on November 3, 2023; in MNCIS file 27-CR-23-25310 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on November 27, 2023; in MNCIS file 27-CR-23-17576 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 19, 2023; in MNCIS file 27-CR-22-12076 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on June 8, 2022; and in MNCIS file 27-CR-24-2150 with Interrupt/Disrupt/Interfere with Emergency CB Radio (Misdemeanor), 4<sup>th</sup> Degree Damage to Property (Misdemeanor), and Transit-

**Case No. 27-CR-23-17576****State of MN vs EMANUEL OMAR BLACK**

Filing Type: ·Finding of Incompetency and Order·

Filing Date: **2024-02-02**

MCRO\_27-CR-23-17576\_Finding of Incompetency and Order\_2024-02-02\_20240430074616.pdf

File Hash: 93ab12421e9ad789a7e099a195d1a8c03475626dacd319122b8b7495d9a069fc

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**STATE OF MINNESOTA  
COUNTY OF HENNEPIN****DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-22-9720, 27-CR-23-  
16226, 27-CR-23-17424, 27-CR-23-23670,  
27-CR-23-25310, 27-CR-23-17576; 27-CR-  
22-12076, 27-CR-24-2150

Plaintiff,

vs.  
Emanuel Omar Black,  
Defendant.**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER REGARDING  
COMPETENCY**

This matter came before the undersigned Judge of District Court on January 30, 2024. The hearing was held remotely using the Zoom internet platform. Michelle Doffing, Minneapolis City Attorney, represented the State. Defendant appeared in custody and was represented by Elizabeth Scott, Assistant Hennepin County Public Defender.

Based on all the files, records and proceedings in this case, the Court makes the following:

**FINDINGS OF FACT**

1. Defendant (date of birth 11/05/1996), was charged in MNCIS file 27-CR-22-9720 with Theft (Misdemeanor) and Trespass (Misdemeanor) arising from an incident alleged to have occurred on May 21, 2022; in MNCIS file 27-CR-23-16226 with Theft (Misdemeanor) arising from an incident alleged to have occurred on July 30, 2023; in MNCIS file 27-CR-23-17424 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 16, 2023; in MNCIS file 27-CR-23-23670 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on November 3, 2023; in MNCIS file 27-CR-23-25310 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on November 27, 2023; in MNCIS file 27-CR-23-17576 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on August 19, 2023; in MNCIS file 27-CR-22-12076 with Trespass (Misdemeanor) arising from an incident alleged to have occurred on June 8, 2022; and in MNCIS file 27-CR-24-2150 with Interrupt/Disrupt/Interfere with Emergency CB Radio (Misdemeanor), 4<sup>th</sup> Degree Damage to Property (Misdemeanor), and Transit-

**Case No. 27-CR-22-9720****State of MN vs EMANUEL OMAR BLACK**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-02**

MCRO\_27-CR-22-9720\_Finding of Incompetency and Order\_2024-02-02\_20240429152432.pdf

File Hash: b9bd4ddef2e023486917c41a65399e982af2f4a57b8006eaec061d1daa97c7

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Obstruct/Interfere with Operation of Vehicle (Misdemeanor) arising from an incident alleged to have occurred on January 26, 2024.

2. On November 28, 2023, Judge Thomas J. Conley ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn. R. Crim. P. 20.01.
3. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Amy Crockford, Psy.D., LP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The misdemeanor charges are dismissed pursuant to Rule 20.01.
2. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
3. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
4. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
5. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances.

**Case No. 27-CR-22-12076****State of MN vs Emanuel Omar Black**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-02**

MCRO\_27-CR-22-12076\_Finding of Incompetency and Order\_2024-02-02\_20240429153145.pdf

File Hash: eeed6aeada2872b928bf90e4ef1c6cf7a34fcf465ead476b7bc55f1507083c

Page: 2 of 3

Obstruct/Interfere with Operation of Vehicle (Misdemeanor) arising from an incident alleged to have occurred on January 26, 2024.

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**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The misdemeanor charges are dismissed pursuant to Rule 20.01.
2. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
3. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
4. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
5. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances.

**Case No. 27-CR-23-17576****State of MN vs EMANUEL OMAR BLACK**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-02**

MCRO\_27-CR-23-17576\_Finding of Incompetency and Order\_2024-02-02\_20240430074616.pdf

File Hash: 93ab12421e9ad789a7e099a195d1a8c03475626dacd319122b8b7495d9a069fc

Page: 2 of 3

Obstruct/Interfere with Operation of Vehicle (Misdemeanor) arising from an incident alleged to have occurred on January 26, 2024.

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**CONCLUSIONS OF LAW**

Defendant is presently incompetent to stand trial. The misdemeanor charges must be dismissed pursuant to Rule 20.01.

**ORDER**

1. The misdemeanor charges are dismissed pursuant to Rule 20.01.
2. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the Defendant should be civilly committed under the Act.
3. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
4. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
5. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances.

**Case No. 27-CR-22-9720****State of MN vs EMANUEL OMAR BLACK**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-02**

MCRO\_27-CR-22-9720\_Finding of Incompetency and Order\_2024-02-02\_20240429152432.pdf

File Hash: b9bbd4ddef2e023486917c41a65399e982af2f4a57b8006eaec061d1daa97c7

Page: 3 of 3

6. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
7. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
8. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
9. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT****Case No. 27-CR-22-12076****State of MN vs Emanuel Omar Black**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-02**

MCRO\_27-CR-22-12076\_Finding of Incompetency and Order\_2024-02-02\_20240429153145.pdf

File Hash: eedee6aeada2872b928bf90e4ef1c6cf7a34fcf465ead476b7bc55f1507083c

Page: 3 of 3

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8. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility. The Hennepin County Sheriff shall transport the Defendant to the custody of the head of the facility named in the order for civil commitment when notified that placement is available for the Defendant.
9. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT****Case No. 27-CR-23-17576****State of MN vs EMANUEL OMAR BLACK**

Filing Type: ·Finding of Incompetency and Order-

Filing Date: **2024-02-02**

MCRO\_27-CR-23-17576\_Finding of Incompetency and Order\_2024-02-02\_20240430074616.pdf

File Hash: 93ab12421e9ad789a7e099a195d1a8c03475626dacd319122b8b7495d9a069fc

Page: 3 of 3

6. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.
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9. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

**BY THE COURT**